

Calendar No. 390

115TH CONGRESS
2D SESSION**H. R. 648****[Report No. 115–235]**

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2017

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

APRIL 25, 2018

Reported by Ms. MURKOWSKI, without amendment

AN ACT

To authorize the Secretary of the Interior to amend the Definite Plan Report for the Seedskaadee Project to enable the use of the active capacity of the Fontenelle Reservoir.

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

3 **SECTION 1. AUTHORITY TO MAKE ENTIRE ACTIVE CAPAC-**
4 **ITY OF FONTENELLE RESERVOIR AVAILABLE**
5 **FOR USE.**

6 (a) IN GENERAL.—The Secretary of the Interior, in
7 cooperation with the State of Wyoming, may amend the

1 Definite Plan Report for the Seedskadee Project author-
2 ized under the first section of the Act of April 11, 1956
3 (commonly known as the “Colorado River Storage Project
4 Act” (43 U.S.C. 620)) to provide for the study, design,
5 planning, and construction activities that will enable the
6 use of all active storage capacity (as may be defined or
7 limited by legal, hydrologic, structural, engineering, eco-
8 nomic, and environmental considerations) of Fontenelle
9 Dam and Reservoir, including the placement of sufficient
10 riprap on the upstream face of Fontenelle Dam to allow
11 the active storage capacity of Fontenelle Reservoir to be
12 used for those purposes for which the Seedskadee Project
13 was authorized.

14 (b) COOPERATIVE AGREEMENTS.—

15 (1) IN GENERAL.—The Secretary of the Inte-
16 rior may enter into any contract, grant, cooperative
17 agreement, or other agreement that is necessary to
18 carry out subsection (a).

19 (2) STATE OF WYOMING.—

20 (A) IN GENERAL.—The Secretary of the
21 Interior shall enter into a cooperative agree-
22 ment with the State of Wyoming to work in co-
23 operation and collaboratively with the State of
24 Wyoming for planning, design, related
25 preconstruction activities, and construction of

1 any modification of the Fontenelle Dam under
2 subsection (a).

3 (B) REQUIREMENTS.—The cooperative
4 agreement under subparagraph (A) shall, at a
5 minimum, specify the responsibilities of the
6 Secretary of the Interior and the State of Wyo-
7 ming with respect to—

8 (i) completing the planning and final
9 design of the modification of the
10 Fontenelle Dam under subsection (a);

11 (ii) any environmental and cultural re-
12 source compliance activities required for
13 the modification of the Fontenelle Dam
14 under subsection (a) including compliance
15 with—

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

19 (II) the Endangered Species Act
20 of 1973 (16 U.S.C. 1531 et seq.); and

21 (III) subdivision 2 of division A
22 of subtitle III of title 54, United
23 States Code; and

1 (iii) the construction of the modifica-
2 tion of the Fontenelle Dam under sub-
3 section (a).

4 (c) FUNDING BY STATE OF WYOMING.—Pursuant to
5 the Act of March 4, 1921 (41 Stat. 1404, chapter 161;
6 43 U.S.C. 395), and as a condition of providing any addi-
7 tional storage under subsection (a), the State of Wyoming
8 shall provide to the Secretary of the Interior funds for any
9 work carried out under subsection (a).

10 (d) OTHER CONTRACTING AUTHORITY.—

11 (1) IN GENERAL.—The Secretary of the Inte-
12 rior may enter into contracts with the State of Wyo-
13 ming, on such terms and conditions as the Secretary
14 of the Interior and the State of Wyoming may agree,
15 for division of any additional active capacity made
16 available under subsection (a).

17 (2) TERMS AND CONDITIONS.—Unless other-
18 wise agreed to by the Secretary of the Interior and
19 the State of Wyoming, a contract entered into under
20 paragraph (1) shall be subject to the terms and con-
21 ditions of Bureau of Reclamation Contract No. 14-
22 06-400-2474 and Bureau of Reclamation Contract
23 No. 14-06-400-6193.

1 **SEC. 2. SAVINGS PROVISIONS.**

2 Unless expressly provided in this Act, nothing in this
3 Act modifies, conflicts with, preempts, or otherwise af-
4 fects—

5 (1) the Act of December 31, 1928 (43 U.S.C.
6 617 et seq.) (commonly known as the “Boulder Can-
7 yon Project Act”);

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

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

14 (4) the Treaty between the United States of
15 America and Mexico relating to the utilization of
16 waters of the Colorado and Tijuana Rivers and of
17 the Rio Grande, and supplementary protocol signed
18 November 14, 1944, signed at Washington February
19 3, 1944 (59 Stat. 1219);

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

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

- 1 (7) the Colorado River Basin Project Act (Pub-
- 2 lic Law 90-537; 82 Stat. 885); or
- 3 (8) any State of Wyoming or other State water
- 4 law.

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