

115TH CONGRESS
1ST SESSION

S. 199

To authorize the use of the active capacity of the Fontenelle Reservoir.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2017

Mr. BARRASSO (for himself and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the use of the active capacity of the Fontenelle Reservoir.

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

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

6 (a) IN GENERAL.—The Secretary of the Interior, in
7 cooperation with the State of Wyoming, may amend the
8 Definite Plan Report for the Seedskadee Project author-
9 ized under the first section of the Act of April 11, 1956
10 (commonly known as the “Colorado River Storage Project

1 Act”) (43 U.S.C. 620), to provide for the study, design,
2 planning, and construction activities that will enable the
3 use of all active storage capacity (as may be defined or
4 limited by legal, hydrologic, structural, engineering, eco-
5 nomic, and environmental considerations) of Fontenelle
6 Dam and Reservoir, including the placement of sufficient
7 riprap on the upstream face of Fontenelle Dam to allow
8 the active storage capacity of Fontenelle Reservoir to be
9 used for those purposes for which the Seedskadee Project
10 was authorized.

11 (b) COOPERATIVE AGREEMENTS.—

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

16 (2) STATE OF WYOMING.—

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

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

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

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

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

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

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

22 (iii) the construction of the modifica-
23 tion of the Fontenelle Dam under sub-
24 section (a).

1 (c) FUNDING BY STATE OF WYOMING.—Pursuant to
2 the Act of March 4, 1921 (41 Stat. 1404, chapter 161;
3 43 U.S.C. 395), and as a condition of providing any addi-
4 tional storage under subsection (a), the State of Wyoming
5 shall provide to the Secretary of the Interior funds for any
6 work carried out under subsection (a).

7 (d) OTHER CONTRACTING AUTHORITY.—

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

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

21 **SEC. 2. SAVINGS PROVISIONS.**

22 Unless expressly provided in this Act, nothing in this
23 Act modifies, conflicts with, preempts, or otherwise af-
24 fects—

1 (1) the Boulder Canyon Project Act (43 U.S.C.
2 617 et seq.);

3 (2) the Colorado River Compact of 1922, as ap-
4 proved by the Presidential Proclamation of June 25,
5 1929 (46 Stat. 3000);

6 (3) the Boulder Canyon Project Adjustment Act
7 (43 U.S.C. 618 et seq.);

8 (4) the Treaty between the United States of
9 America and Mexico relating to the utilization of
10 waters of the Colorado and Tijuana Rivers and of
11 the Rio Grande, and supplementary protocol signed
12 November 14, 1944, signed at Washington February
13 3, 1944 (59 Stat. 1219);

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

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

20 (7) the Colorado River Basin Project Act (Pub-
21 lic Law 90–537; 82 Stat. 885); or

22 (8) any State of Wyoming or other State water
23 law.

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