

Calendar No. 126

115TH CONGRESS
1ST SESSION

S. 199

[Report No. 115–96]

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

JUNE 8, 2017

Reported by Ms. MURKOWSKI, without amendment

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,*

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

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

19 (b) COOPERATIVE AGREEMENTS.—

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

24 (2) STATE OF WYOMING.—

25 (A) IN GENERAL.—The Secretary of the
26 Interior shall enter into a cooperative agree-

1 ment with the State of Wyoming to work in co-
2 operation and collaboratively with the State of
3 Wyoming for planning, design, related
4 preconstruction activities, and construction of
5 any modification of the Fontenelle Dam under
6 subsection (a).

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

12 (i) completing the planning and final
13 design of the modification of the
14 Fontenelle Dam under subsection (a);

15 (ii) any environmental and cultural re-
16 source compliance activities required for
17 the modification of the Fontenelle Dam
18 under subsection (a) including compliance
19 with—

20 (I) the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4321
22 et seq.);

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

1 (III) subdivision 2 of division A
2 of subtitle III of title 54, United
3 States Code; and

4 (iii) the construction of the modifica-
5 tion of the Fontenelle Dam under sub-
6 section (a).

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

13 (d) OTHER CONTRACTING AUTHORITY.—

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

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

1 06–400–2474 and Bureau of Reclamation Contract
2 No. 14–06–400–6193.

3 **SEC. 2. SAVINGS PROVISIONS.**

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

7 (1) the Boulder Canyon Project Act (43 U.S.C.
8 617 et seq.);

9 (2) the Colorado River Compact of 1922, as ap-
10 proved by the Presidential Proclamation of June 25,
11 1929 (46 Stat. 3000);

12 (3) the Boulder Canyon Project Adjustment Act
13 (43 U.S.C. 618 et seq.);

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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