

116TH CONGRESS
1ST SESSION

H. R. 1048

To authorize phase III of the Yakima River Basin Water Enhancement Project, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Mr. NEWHOUSE (for himself and Ms. SCHRIER) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To authorize phase III of the Yakima River Basin Water Enhancement Project, 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 “Yakima River Basin
5 Water Enhancement Project Phase III Act”.

6 **SEC. 2. AUTHORIZATION OF PHASE III.**

7 (a) DEFINITIONS.—In this section:

8 (1) INTEGRATED PLAN.—The term “Integrated
9 Plan” means the Yakima River Basin Integrated
10 Water Resource Management Plan, the Federal ele-

1 ments of which are known as “phase III of the Yak-
2 ima River Basin Water Enhancement Project”, as
3 described in the Bureau of Reclamation document
4 entitled “Record of Decision for the Yakima River
5 Basin Integrated Water Resource Management Plan
6 Final Programmatic Environmental Impact State-
7 ment” and dated March 2, 2012.

8 (2) IRRIGATION ENTITY.—The term “irrigation
9 entity” means a district, project, or State-recognized
10 authority, board of control, agency, or entity located
11 in the Yakima River basin that manages and deliv-
12 ers irrigation water to farms in the Yakima River
13 basin.

14 (3) PRORATABLE IRRIGATION ENTITY.—The
15 term “proratable irrigation entity” means an irriga-
16 tion entity that possesses, or the members of which
17 possess, proratable water (as defined in section 1202
18 of Public Law 103–434 (108 Stat. 4551)).

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (5) STATE.—The term “State” means the State
22 of Washington.

23 (6) TOTAL WATER SUPPLY AVAILABLE.—The
24 term “total water supply available” has the meaning

1 given the term in applicable civil actions, as deter-
2 mined by the Secretary.

3 (7) YAKIMA RIVER BASIN WATER ENHANCE-
4 MENT PROJECT.—The term “Yakima River Basin
5 Water Enhancement Project” means the Yakima
6 River basin water enhancement project authorized
7 by Congress pursuant to title XII of Public Law
8 103–434 (108 Stat. 4550; 114 Stat. 1425) and
9 other Acts (including Public Law 96–162 (93 Stat.
10 1241), section 109 of Public Law 98–381 (16
11 U.S.C. 839b note), and Public Law 105–62 (111
12 Stat. 1320)) to promote water conservation, water
13 supply, habitat, and stream enhancement improve-
14 ments in the Yakima River basin.

15 (b) INTEGRATED PLAN.—

16 (1) INITIAL DEVELOPMENT PHASE.—

17 (A) IN GENERAL.—As the initial develop-
18 ment phase of the Integrated Plan, the Sec-
19 retary, in coordination with the State and the
20 Yakama Nation, shall identify and implement
21 projects under the Integrated Plan that are pre-
22 pared to be commenced during the 10-year pe-
23 riod beginning on the date of enactment of this
24 Act.

1 (B) REQUIREMENT.—The initial develop-
2 ment phase of the Integrated Plan under sub-
3 paragraph (A) shall be carried out in accord-
4 ance with—

5 (i) this subsection, including any re-
6 lated plans, reports, and correspondence
7 referred to in this subsection; and

8 (ii) title XII of Public Law 103–434
9 (108 Stat. 4550; 114 Stat. 1425).

10 (2) INTERMEDIATE AND FINAL DEVELOPMENT
11 PHASES.—

12 (A) PLANS.—The Secretary, in coordina-
13 tion with the State and the Yakama Nation,
14 shall develop plans for the intermediate and
15 final development phases of the Integrated Plan
16 to achieve the purposes of title XII of Public
17 Law 103–434 (108 Stat. 4550; 114 Stat.
18 1425), including conducting applicable feasi-
19 bility studies, environmental reviews, and other
20 relevant studies required to develop those plans.

21 (B) INTERMEDIATE DEVELOPMENT
22 PHASE.—The Secretary, in coordination with
23 the State and the Yakama Nation, shall develop
24 an intermediate development phase of the Inte-
25 grated Plan, to commence not earlier than the

1 date that is 10 years after the date of enact-
2 ment of this Act.

3 (C) FINAL DEVELOPMENT PHASE.—The
4 Secretary, in coordination with the State and
5 the Yakama Nation, shall develop a final devel-
6 opment phase of the Integrated Plan, to com-
7 mence not earlier than the date that is 20 years
8 after the date of enactment of this Act.

9 (3) REQUIREMENTS.—The projects and activi-
10 ties identified by the Secretary for implementation
11 under the Integrated Plan shall be carried out
12 only—

13 (A) subject to authorization and appropria-
14 tion;

15 (B) contingent on the completion of appli-
16 cable feasibility studies, environmental reviews,
17 and cost-benefit analyses that include favorable
18 recommendations for further project develop-
19 ment;

20 (C) on public review and a determination
21 by the Secretary that design, construction, and
22 operation of a proposed project or activity is in
23 the best interest of the public; and

24 (D) in accordance with applicable laws, in-
25 cluding—

- 1 (i) the National Environmental Policy
2 Act of 1969 (42 U.S.C. 4321 et seq.); and
3 (ii) the Endangered Species Act of
4 1973 (16 U.S.C. 1531 et seq.).

5 (4) EFFECT OF SUBSECTION.—Nothing in this
6 subsection—

7 (A) shall be considered to be a new or sup-
8 plemental benefit for purposes of the Reclama-
9 tion Reform Act of 1982 (43 U.S.C. 390aa et
10 seq.);

11 (B) affects—

12 (i) any contract in existence on the
13 date of enactment of this Act that was exe-
14 cuted pursuant to the reclamation laws; or

15 (ii) any contract or agreement be-
16 tween the Bureau of Indian Affairs and
17 the Bureau of Reclamation;

18 (C) affects, waives, abrogates, diminishes,
19 defines, or interprets any treaty between the
20 Yakama Nation and the United States; or

21 (D) constrains the authority of the Sec-
22 retary to provide fish passage in the Yakima
23 River basin, in accordance with the Hoover
24 Power Plant Act of 1984 (43 U.S.C. 619 et
25 seq.).

1 (5) PROGRESS REPORT.—Not later than 5
2 years after the date of enactment of this Act, the
3 Secretary, in conjunction with the State and in con-
4 sultation with the Yakama Nation, shall submit to
5 the Committee on Energy and Natural Resources of
6 the Senate and the Committee on Natural Resources
7 of the House of Representatives a progress report on
8 the development and implementation of the Inte-
9 grated Plan.

10 (c) FINANCING, CONSTRUCTION, OPERATION, AND
11 MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING
12 PLANT AND KEECHELUS TO KACHESS PIPELINE.—

13 (1) LONG-TERM AGREEMENTS.—

14 (A) IN GENERAL.—A long-term agreement
15 negotiated pursuant to this section or the rec-
16 lamation laws between the Secretary and a par-
17 ticipating proratable irrigation entity in the
18 Yakima River basin for the non-Federal financ-
19 ing, construction, operation, or maintenance of
20 the Drought Relief Pumping Plant or the
21 Keechelus to Kachess Pipeline shall include pro-
22 visions regarding—

23 (i) responsibilities of each partici-
24 pating proratable irrigation entity for—

1 (I) the planning, design, and con-
2 struction of infrastructure, in con-
3 sultation and coordination with the
4 Secretary; and

5 (II) the pumping and operational
6 costs necessary to provide the total
7 water supply available that is made
8 inaccessible due to drought pumping
9 during any preceding calendar year, if
10 the Kachess Reservoir fails to refill as
11 a result of pumping drought storage
12 water during such a calendar year;

13 (ii) property titles and responsibilities
14 of each participating proratable irrigation
15 entity for the maintenance of, and liability
16 for, all infrastructure constructed under
17 title XII of Public Law 103–434 (108
18 Stat. 4550; 114 Stat. 1425);

19 (iii) operation and integration of the
20 projects by the Secretary in the operation
21 of the Yakima Project; and

22 (iv) costs associated with the design,
23 financing, construction, operation, mainte-
24 nance, and mitigation of projects, with the
25 costs of Federal oversight and review to be

1 nonreimbursable to the participating pro-
2 ratable irrigation entities and the Yakima
3 Project.

4 (B) TREATMENT.—A facility developed or
5 operated by a participating proratable irrigation
6 entity under this subsection shall not be consid-
7 ered to be a supplemental work for purposes of
8 section 9(a) of the Reclamation Project Act of
9 1939 (43 U.S.C. 485h(a)).

10 (2) KACHESS RESERVOIR.—

11 (A) IN GENERAL.—Any additional stored
12 water made available by the construction of a
13 facility to access and deliver inactive and nat-
14 ural storage in Kachess Lake and Reservoir
15 under this subsection—

16 (i) shall be considered to be Yakima
17 Project water;

18 (ii) shall be used exclusively by the
19 Secretary to enhance the water supply dur-
20 ing years for which the total water supply
21 available is not sufficient to provide a per-
22 centage of proratable entitlements in order
23 to make that additional water available, in
24 a quantity representing not more than 70
25 percent of proratable entitlements to the

1 Kittitas Reclamation District, the Roza Ir-
2 rrigation District, or any other proratable
3 irrigation entity participating in the con-
4 struction, operation, or maintenance costs
5 of a facility under this section, in accord-
6 ance with such terms and conditions as the
7 districts may agree, subject to the condi-
8 tions that—

9 (I) the Bureau of Indian Affairs,
10 the Wapato Irrigation Project, and
11 the Yakama Nation, on an election to
12 participate, may also obtain water
13 from Kachess Reservoir inactive stor-
14 age to enhance applicable existing irri-
15 gation water supply in accordance
16 with such terms and conditions as the
17 Bureau of Indian Affairs and the
18 Yakama Nation may agree; and

19 (II) the additional supply made
20 available under this clause shall be
21 available to participating individuals
22 and entities based on—

23 (aa) the proportion that—

24 (AA) the proratable en-
25 titlement of each partici-

1 pating individual or entity;
2 bears to

3 (BB) the proratable en-
4 titlements of all partici-
5 pating individuals and enti-
6 ties; or

7 (bb) such other proportion
8 as the participating entities may
9 agree; and

10 (iii) shall not be any portion of the
11 total water supply available.

12 (B) EFFECT OF PARAGRAPH.—Nothing in
13 this paragraph affects, as in existence on the
14 date of enactment of this Act, any—

15 (i) contract;

16 (ii) law (including regulations) relat-
17 ing to repayment costs;

18 (iii) water rights; or

19 (iv) treaty right of the Yakama Na-
20 tion.

21 (3) PROJECT POWER FOR KACHESS PUMPING
22 PLANT.—

23 (A) IN GENERAL.—Subject to subpara-
24 graphs (B) through (D), the Administrator of
25 the Bonneville Power Administration, pursuant

1 to the Pacific Northwest Electric Power Plan-
2 ning and Conservation Act (16 U.S.C. 839 et
3 seq.), shall provide to the Secretary project
4 power to operate the Kachess Pumping Plant
5 constructed under this section if inactive stor-
6 age in the Kachess Reservoir is needed to pro-
7 vide drought relief for irrigation.

8 (B) DETERMINATIONS BY SECRETARY.—

9 The project power described in subparagraph
10 (A) may be provided only if the Secretary deter-
11 mines that—

12 (i) there are in effect—

13 (I) a drought declaration issued
14 by the State; and

15 (II) conditions that have led to
16 70 percent or lower water delivery to
17 proratable irrigation districts; and

18 (ii) it is appropriate to provide the
19 power under that subparagraph.

20 (C) PERIOD OF AVAILABILITY.—The power
21 described in subparagraph (A) shall be provided
22 during the period—

23 (i) beginning on the date on which the
24 Secretary makes the determinations de-
25 scribed in subparagraph (B); and

1 (ii) ending on the earlier of—

2 (I) the date that is 1 year after
3 that date; and

4 (II) the date on which the Sec-
5 retary determines that—

6 (aa) drought mitigation
7 measures are still necessary in
8 the Yakima River basin; or

9 (bb) the power should no
10 longer be provided for any other
11 reason.

12 (D) RATE.—

13 (i) IN GENERAL.—The Administrator
14 of the Bonneville Power Administration
15 shall provide project power under subpara-
16 graph (A) at the then-applicable lowest
17 Bonneville Power Administration rate for
18 public body, cooperative, and Federal agen-
19 cy customer firm obligations on the date
20 on which the authority is provided.

21 (ii) NO DISCOUNTS.—The rate under
22 clause (i) shall not include any irrigation
23 discount.

24 (E) LOCAL PROVIDER.—During any period
25 for which project power is not provided under

1 subparagraph (A), the Secretary shall obtain
2 power to operate the Kachess Pumping Plant
3 from a local provider.

4 (F) OTHER COSTS.—The cost of power for
5 pumping and station service, and the costs of
6 transmitting power from the Federal Columbia
7 River power system to the pumping facilities of
8 the Yakima River Basin Water Enhancement
9 Project, shall be borne by the irrigation dis-
10 tricts receiving the benefits of the applicable
11 water.

12 (G) DUTIES OF COMMISSIONER.—For pur-
13 poses of this paragraph, the Commissioner of
14 Reclamation shall arrange transmission for any
15 delivery of—

16 (i) Federal power over the Bonneville
17 system through applicable tariff and busi-
18 ness practice processes of that system; or

19 (ii) power obtained from any local
20 provider.

21 (d) DESIGN AND USE OF GROUNDWATER RECHARGE
22 PROJECTS.—The Secretary, in coordination with the State
23 and the Yakama Nation, may provide technical assistance
24 for, participate in, and enter into agreements, including
25 with irrigation entities for the use of excess conveyance

1 capacity in Yakima River Basin Water Enhancement
2 Project facilities, for—

3 (1) groundwater recharge projects; and

4 (2) aquifer storage and recovery projects.

5 (e) OPERATIONAL CONTROL OF WATER SUPPLIES.—

6 (1) IN GENERAL.—The Secretary shall retain
7 authority and discretion over the management of
8 Yakima River Basin Water Enhancement Project
9 supplies—

10 (A) to optimize operational use and flexi-
11 bility; and

12 (B) to ensure compliance with all applica-
13 ble Federal and State laws, treaty rights of the
14 Yakama Nation, and legal obligations, including
15 those under title XII of Public Law 103–434
16 (108 Stat. 4550; 114 Stat. 1425).

17 (2) INCLUSION.—The authority and discretion
18 described in paragraph (1) shall include the ability
19 of the United States to store, deliver, conserve, and
20 reuse water supplies deriving from projects author-
21 ized under title XII of Public Law 103–434 (108
22 Stat. 4550; 114 Stat. 1425).

23 (f) COOPERATIVE AGREEMENTS AND GRANTS.—The
24 Secretary may enter into cooperative agreements and
25 make grants to carry out this section, including for the

1 purposes of land and water transfers, leases, and acqui-
2 tions from willing participants, subject to the condition
3 that the acquiring entity shall hold title to, and be respon-
4 sible for, all required operation, maintenance, and man-
5 agement of the acquired land or water during any period
6 in which the acquiring entity holds title to the acquired
7 land.

8 (g) WATER CONSERVATION PROJECTS.—The Sec-
9 retary may participate in, provide funding for, and accept
10 non-Federal financing for water conservation projects, re-
11 gardless of whether the projects are in accordance with
12 the Yakima River Basin Water Conservation Program es-
13 tablished under section 1203 of Public Law 103–434 (108
14 Stat. 4551), that are intended to partially implement the
15 Integrated Plan by providing conserved water to improve
16 tributary and mainstem stream flow.

17 (h) INDIAN IRRIGATION PROJECTS.—

18 (1) IN GENERAL.—The Secretary, acting
19 through the Commissioner of Reclamation, may con-
20 tribute funds for the preparation of plans and inves-
21 tigation measures, and, after the date on which the
22 Secretary certifies that the measures are consistent
23 with the water conservation objectives of this sec-
24 tion, to any Indian irrigation project—

1 (A) that is located in the Pacific North-
2 west Region;

3 (B) that is identified in the report of the
4 Government Accountability Office numbered
5 GAO-15-453T;

6 (C) that has been identified as part of a
7 Bureau of Reclamation basin study pursuant to
8 subtitle F of title IX of Public Law 111-11 (42
9 U.S.C. 10361 et seq.) to increase water supply
10 for the Pacific Northwest Region; and

11 (D) an improvement to which would con-
12 tribute to the flow of interstate water.

13 (2) AUTHORIZATION OF APPROPRIATIONS.—

14 There is authorized to be appropriated to carry out
15 this subsection \$75,000,000.

16 **SEC. 3. MODIFICATION OF PURPOSES AND DEFINITIONS.**

17 (a) PURPOSES.—Section 1201 of Public Law 103-
18 434 (108 Stat. 4550) is amended—

19 (1) by striking paragraph (1) and inserting the
20 following:

21 “(1) to protect, mitigate, and enhance fish and
22 wildlife and the recovery and maintenance of self-
23 sustaining harvestable populations of fish and other
24 aquatic life, both anadromous and resident species,

1 throughout their historic distribution range in the
2 Yakima Basin through—

3 “(A) improved water management and the
4 constructions of fish passage at storage and di-
5 version dams, as authorized under the Hoover
6 Power Plant Act of 1984 (43 U.S.C. 619 et
7 seq.);

8 “(B) improved instream flows and water
9 supplies;

10 “(C) improved water quality, watershed,
11 and ecosystem function;

12 “(D) protection, creation, and enhance-
13 ment of wetlands; and

14 “(E) other appropriate means of habitat
15 improvement;”;

16 (2) in paragraph (2), by inserting “, municipal,
17 industrial, and domestic water supply and use pur-
18 poses, especially during drought years, including re-
19 ducing the frequency and severity of water supply
20 shortages for pro-ratable irrigation entities” before
21 the semicolon at the end;

22 (3) by striking paragraph (4);

23 (4) by redesignating paragraph (3) as para-
24 graph (4);

1 (5) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) to authorize the Secretary to make water
4 available for purchase or lease for meeting munic-
5 ipal, industrial, and domestic water supply pur-
6 poses;”;

7 (6) by redesignating paragraphs (5) and (6) as
8 paragraphs (6) and (8), respectively;

9 (7) by inserting after paragraph (4) (as redesi-
10 gnated by paragraph (4)) the following:

11 “(5) to realize sufficient water savings from im-
12 plementing the Yakima River Basin Integrated
13 Water Resource Management Plan, so that not less
14 than 85,000 acre feet of water savings are achieved
15 by implementing the initial development phase of the
16 Integrated Plan pursuant to section 2(b)(1) of the
17 Yakima River Basin Water Enhancement Project
18 Phase III Act, in addition to the 165,000 acre-feet
19 of water savings targeted through the Basin Con-
20 servation Program, as authorized on October 31,
21 1994;”;

22 (8) in paragraph (6) (as redesignated by para-
23 graph (6))—

24 (A) by inserting “an increase in” before
25 “voluntary”; and

1 (B) by striking “and” at the end;

2 (9) by inserting after paragraph (6) (as so re-
3 designated) the following:

4 “(7) to encourage an increase in the use of, and
5 reduce the barriers to, water transfers, leasing, mar-
6 kets, and other voluntary transactions among public
7 and private entities to enhance water management
8 in the Yakima River basin;”;

9 (10) in paragraph (8) (as so redesignated), by
10 striking the period at the end and inserting “; and”;
11 and

12 (11) by adding at the end the following:

13 “(9) to improve the resilience of the ecosystems,
14 economies, and communities in the Yakima River
15 basin facing drought, hydrologic changes, and other
16 related changes and variability in natural and
17 human systems, for the benefit of the people, fish,
18 and wildlife of the region.”.

19 (b) DEFINITIONS.—Section 1202 of Public Law 103–
20 434 (108 Stat. 4550) is amended—

21 (1) by redesignating paragraphs (6), (7), (8),
22 (9), (10), (11), (12), (13), and (14) as paragraphs
23 (8), (10), (11), (12), (13), (14), (15), (17), and
24 (18), respectively;

1 (2) by inserting after paragraph (5) the fol-
2 lowing:

3 “(6) DESIGNATED FEDERAL OFFICIAL.—The
4 term ‘designated Federal official’ means the Com-
5 missioner of Reclamation (or a designee), acting
6 pursuant to the charter of the Conservation Advisory
7 Group.

8 “(7) INTEGRATED PLAN.—The term ‘Integrated
9 Plan’ has the meaning given the term in section 2(a)
10 of the Yakima River Basin Water Enhancement
11 Project Phase III Act, to be carried out in coopera-
12 tion with, and in addition to, activities of the State
13 of Washington and the Yakama Nation.”;

14 (3) by inserting after paragraph (8) (as redesign-
15 ated by paragraph (1)) the following:

16 “(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC
17 WATER SUPPLY AND USE.—The term ‘municipal, in-
18 dustrial, and domestic water supply and use’ means
19 the supply and use of water for—

20 “(A) domestic consumption (whether urban
21 or rural);

22 “(B) maintenance and protection of public
23 health and safety;

1 “(C) manufacture, fabrication, processing,
2 assembly, or other production of a good or com-
3 modity;

4 “(D) production of energy;

5 “(E) fish hatcheries; or

6 “(F) water conservation activities relating
7 to a use described in subparagraphs (A)
8 through (E).”;

9 (4) by inserting after paragraph (15) (as so re-
10 designated) the following:

11 “(16) YAKIMA ENHANCEMENT PROJECT; YAK-
12 IMA RIVER BASIN WATER ENHANCEMENT
13 PROJECT.—The terms ‘Yakima Enhancement
14 Project’ and ‘Yakima River Basin Water Enhance-
15 ment Project’ mean the Yakima River basin water
16 enhancement project authorized by Congress pursu-
17 ant to this Act and other Acts (including Public Law
18 96–162 (93 Stat. 1241), section 109 of Public Law
19 98–381 (16 U.S.C. 839b note; 98 Stat. 1340), Pub-
20 lic Law 105–62 (111 Stat. 1320), and Public Law
21 106–372 (114 Stat. 1425)) to promote water con-
22 servation, water supply, habitat, and stream en-
23 hancement improvements in the Yakima River
24 basin.”.

1 **SEC. 4. YAKIMA RIVER BASIN WATER CONSERVATION PRO-**
2 **GRAM.**

3 Section 1203 of Public Law 103–434 (108 Stat.
4 4551) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) in the second sentence, by striking
8 “title” and inserting “section”; and

9 (ii) in the third sentence, by striking
10 “within 5 years of the date of enactment
11 of this Act”; and

12 (B) in paragraph (2), by striking “irriga-
13 tion” and inserting “the number of irrigated
14 acres”;

15 (2) in subsection (c)—

16 (A) in paragraph (2)—

17 (i) in each of subparagraphs (A)
18 through (D), by striking the comma at the
19 end of the subparagraph and inserting a
20 semicolon;

21 (ii) in subparagraph (E), by striking
22 the comma at the end and inserting “;
23 and”;

24 (iii) in subparagraph (F), by striking
25 “Department of Wildlife of the State of
26 Washington, and” and inserting “Depart-

1 ment of Fish and Wildlife of the State of
2 Washington.”; and

3 (iv) by striking subparagraph (G);

4 (B) in paragraph (3)—

5 (i) in each of subparagraphs (A)
6 through (C), by striking the comma at the
7 end of the subparagraph and inserting a
8 semicolon;

9 (ii) in subparagraph (D), by striking
10 “, and” at the end and inserting a semi-
11 colon;

12 (iii) in subparagraph (E), by striking
13 the period at the end and inserting “;
14 and”; and

15 (iv) by adding at the end the fol-
16 lowing:

17 “(F) provide recommendations to advance
18 the purposes and programs of the Yakima En-
19 hancement Project, including the Integrated
20 Plan.”; and

21 (C) by striking paragraph (4) and insert-
22 ing the following:

23 “(4) AUTHORITY OF DESIGNATED FEDERAL OF-
24 FICIAL.—The designated Federal official may—

1 “(A) arrange and provide logistical support
2 for meetings of the Conservation Advisory
3 Group;

4 “(B) use a facilitator to serve as a moder-
5 ator for meetings of the Conservation Advisory
6 Group or provide additional logistical support;
7 and

8 “(C) grant any request for a facilitator by
9 any member of the Conservation Advisory
10 Group.”;

11 (3) in subsection (d), by adding at the end the
12 following:

13 “(4) PAYMENT OF LOCAL SHARE BY STATE OR
14 FEDERAL GOVERNMENT.—

15 “(A) IN GENERAL.—The State or the Fed-
16 eral Government may fund not more than the
17 17.5-percent local share of the costs of the
18 Basin Conservation Program in exchange for
19 the long-term use of conserved water, subject to
20 the requirement that the funding by the Fed-
21 eral Government of the local share of the costs
22 shall provide a quantifiable public benefit in
23 meeting Federal responsibilities in the Yakima
24 River basin and the purposes of this title.

1 “(B) USE OF CONSERVED WATER.—The
2 Yakima Project Manager may use water result-
3 ing from conservation measures taken under
4 this title, in addition to water that the Bureau
5 of Reclamation may acquire from any willing
6 seller through purchase, donation, or lease, for
7 water management uses pursuant to this title.”;

8 (4) in subsection (e), by striking the first sen-
9 tence and inserting the following: “To participate in
10 the Basin Conservation Program, as described in
11 subsection (b), an entity shall submit to the Sec-
12 retary a proposed water conservation plan.”;

13 (5) in subsection (i)(3)—

14 (A) by striking “purchase or lease” each
15 place it appears and inserting “purchase, lease,
16 or management”; and

17 (B) in the third sentence, by striking
18 “made immediately upon availability” and all
19 that follows through “Committee” and inserting
20 “continued as needed to provide water to be
21 used by the Yakima Project Manager as rec-
22 ommended by the System Operations Advisory
23 Committee and the Conservation Advisory
24 Group”; and

1 (6) in subsection (j)(4), in the first sentence, by
2 striking “initial acquisition” and all that follows
3 through “flushing flows” and inserting “acquisition
4 of water from willing sellers or lessors specifically to
5 provide improved instream flows for anadromous
6 and resident fish and other aquatic life, including
7 pulse flows to facilitate outward migration of anad-
8 romous fish”.

9 **SEC. 5. YAKIMA BASIN WATER PROJECTS, OPERATIONS,**
10 **AND AUTHORIZATIONS.**

11 (a) REDESIGNATION OF YAKAMA NATION.—Section
12 1204(g) of Public Law 103–434 (108 Stat. 4557) is
13 amended—

14 (1) by striking the subsection designation and
15 heading and all that follows through paragraph (1)
16 and inserting the following:

17 “(g) REDESIGNATION OF YAKAMA INDIAN NATION
18 TO YAKAMA NATION.—

19 “(1) REDESIGNATION.—The Confederated
20 Tribes and Bands of the Yakama Indian Nation
21 shall be known and designated as the ‘Confederated
22 Tribes and Bands of the Yakama Nation.’”; and

23 (2) in paragraph (2), by striking “deemed to be
24 a reference to the ‘Confederated Tribes and Bands
25 of the Yakama Indian Nation.’” and inserting

1 “deemed to be a reference to the ‘Confederated
2 Tribes and Bands of the Yakama Nation’.”

3 (b) OPERATION OF YAKIMA BASIN PROJECTS.—Sec-
4 tion 1205 of Public Law 103–434 (108 Stat. 4557) is
5 amended—

6 (1) in subsection (a)(4)—

7 (A) in subparagraph (A)—

8 (i) in clause (i)—

9 (I) by inserting “additional”
10 after “secure”;

11 (II) by striking “flushing” and
12 inserting “pulse”; and

13 (III) by striking “uses” and in-
14 serting “uses, in addition to the quan-
15 tity of water provided under the trea-
16 ty between the Yakama Nation and
17 the United States”;

18 (ii) by striking clause (ii);

19 (iii) by redesignating clause (iii) as
20 clause (ii); and

21 (iv) in clause (ii) (as so redesignated)
22 by inserting “and water rights mandated”
23 after “goals”; and

1 (B) in subparagraph (B)(i), in the first
2 sentence, by inserting “in proportion to the
3 funding received” after “Program”;

4 (2) in subsection (b), in the second sentence, by
5 striking “instream flows for use by the Yakima
6 Project Manager as flushing flows or as otherwise”
7 and inserting “fishery purposes, as”; and

8 (3) in subsection (e), by striking paragraph (1)
9 and inserting the following:

10 “(1) IN GENERAL.—Additional purposes of the
11 Yakima Project shall be any of the following:

12 “(A) To recover and maintain self-sus-
13 taining harvestable populations of native fish,
14 both anadromous and resident species, through-
15 out their historic distribution range in the Yak-
16 ima River basin.

17 “(B) To protect, mitigate, and enhance
18 aquatic life and wildlife.

19 “(C) Recreation.

20 “(D) Municipal, industrial, and domestic
21 use.”.

22 (c) ENHANCEMENT OF WATER SUPPLIES FOR YAK-
23 IMA BASIN TRIBUTARIES.—Section 1207 of Public Law
24 103–434 (108 Stat. 4560) is amended—

1 (1) in the section heading, by striking “**SUP-**
2 **PLIES**” and inserting “**MANAGEMENT**”;

3 (2) in subsection (a)—

4 (A) in the matter preceding paragraph (1),
5 by striking “supplies” and inserting “manage-
6 ment”;

7 (B) in paragraph (1), by inserting “and
8 water supply entities” after “owners”; and

9 (C) in paragraph (2)—

10 (i) in subparagraph (A), by inserting
11 “that choose not to participate in, or opt
12 out of, tributary enhancement projects
13 pursuant to this section” after “water
14 right owners”; and

15 (ii) in subparagraph (B), by inserting
16 “nonparticipating” before “tributary water
17 users”;

18 (3) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) by striking the paragraph designa-
21 tion and all that follows through “(but not
22 limited to)—” and inserting the following:

23 “(1) IN GENERAL.—The Secretary, following
24 consultation with the State of Washington, tributary
25 water right owners, and the Yakama Nation, and on

1 agreement of appropriate water right owners, is au-
2 thorized to conduct studies to evaluate measures to
3 further Yakima Project purposes on tributaries to
4 the Yakima River. Enhancement programs that use
5 measures authorized by this subsection may be in-
6 vestigated and implemented by the Secretary in trib-
7 utaries to the Yakima River, including Taneum
8 Creek, other areas, or tributary basins that currently
9 or could potentially be provided supplemental or
10 transfer water by entities, such as the Kittitas Rec-
11 lamation District or the Yakima-Tieton Irrigation
12 District, subject to the condition that activities may
13 commence on completion of applicable and required
14 feasibility studies, environmental reviews, and cost-
15 benefit analyses that include favorable recommenda-
16 tions for further project development, as appro-
17 priate. Measures to evaluate include—”;

18 (ii) by indenting subparagraphs (A)
19 through (F) appropriately;

20 (iii) in subparagraph (A), by inserting
21 before the semicolon at the end the fol-
22 lowing: “, including irrigation efficiency
23 improvements (in coordination with pro-
24 grams of the Department of Agriculture),
25 consolidation of diversions or administra-

1 tion, and diversion scheduling or coordina-
2 tion”;

3 (iv) by redesignating subparagraphs
4 (C) through (F) as subparagraphs (E)
5 through (H), respectively;

6 (v) by inserting after subparagraph
7 (B) the following:

8 “(C) improvements in irrigation system
9 management or delivery facilities within the
10 Yakima River basin when those improvements
11 allow for increased irrigation system conveyance
12 and corresponding reduction in diversion from
13 tributaries or flow enhancements to tributaries
14 through direct flow supplementation or ground-
15 water recharge;

16 “(D) improvements of irrigation system
17 management or delivery facilities to reduce or
18 eliminate excessively high flows caused by the
19 use of natural streams for conveyance or irriga-
20 tion water or return water;”;

21 (vi) in subparagraph (E) (as redesign-
22 ated by clause (iv)), by striking “ground
23 water” and inserting “groundwater re-
24 charge and”;

- 1 (vii) in subparagraph (G) (as so re-
2 designated), by inserting “or transfer”
3 after “purchase”; and
- 4 (viii) in subparagraph (H) (as so re-
5 designated), by inserting “stream processes
6 and” before “stream habitats”;
- 7 (B) in paragraph (2)—
- 8 (i) in the matter preceding subpara-
9 graph (A), by striking “the Taneum Creek
10 study” and inserting “studies under this
11 subsection”;
- 12 (ii) in subparagraph (B)—
- 13 (I) by striking “and economic”
14 and inserting “, infrastructure, eco-
15 nomic, and land use”; and
- 16 (II) by striking “and” at the end;
- 17 (iii) in subparagraph (C), by striking
18 the period at the end and inserting “;
19 and”; and
- 20 (iv) by adding at the end the fol-
21 lowing:
22 “(D) any related studies already underway
23 or undertaken.”; and

1 (C) in paragraph (3), in the first sentence,
2 by inserting “of each tributary or group of trib-
3 utaries” after “study”;

4 (4) in subsection (c)—

5 (A) in the subsection heading, by inserting
6 “AND NONSURFACE STORAGE” after “NON-
7 STORAGE”; and

8 (B) in the matter preceding paragraph (1),
9 by inserting “and nonsurface storage” after
10 “nonstorage”;

11 (5) by striking subsection (d);

12 (6) by redesignating subsection (e) as sub-
13 section (d); and

14 (7) in paragraph (2) of subsection (d) (as so re-
15 designated)—

16 (A) in the first sentence—

17 (i) by inserting “and implementation”
18 after “investigation”;

19 (ii) by striking “other” before “Yak-
20 ima River”; and

21 (iii) by inserting “and other water
22 supply entities” after “owners”; and

23 (B) by striking the second sentence.

24 (d) CHANDLER PUMPING PLANT AND POWERPLANT-
25 OPERATIONS AT PROSSER DIVERSION DAM.—Section

1 1208(d) of Public Law 103–434 (108 Stat. 4562; 114
2 Stat. 1425) is amended by inserting “negatively” before
3 “affected”.

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