

116TH CONGRESS
1ST SESSION

H. R. 1435

To direct the Secretary of the Interior to take actions supporting non-Federal investments in water infrastructure improvements in the Sacramento Valley, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2019

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

A BILL

To direct the Secretary of the Interior to take actions supporting non-Federal investments in water infrastructure improvements in the Sacramento Valley, 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 “Sites Reservoir Project
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) According to the U.S. Drought Monitor, the
2 State of California experienced one of the longest,
3 driest periods on record from late December 2011
4 until April 2017, with a statewide emergency dec-
5 laration in effect from mid-January 2014 until early
6 April 2017. In water year 2017, the State of Cali-
7 fornia experienced one of the wettest years on
8 record. New surface water storage infrastructure
9 with the capacity to store water in wet years for use
10 in dry periods is urgently needed.

11 (2) The Sites Project (sometimes referred to as
12 “North-of-Delta Offstream Storage”) has been iden-
13 tified by the State of California and the Federal
14 Government as an important component to inte-
15 grated water management in the Sacramento Valley
16 that would advance the co-equal objectives of im-
17 proving water management and restoring ecological
18 health for beneficial uses of the Sacramento-San
19 Joaquin Delta and the Sacramento River watershed.
20 Further, the Sites Reservoir was found in the 2000
21 CALFED Record of Decision to be the preferred lo-
22 cation to provide North-of-Delta Offstream Storage
23 and subsequent studies have shown the Sites Res-
24 ervoir to be technically and economically feasible.

1 (3) Among other things, the Sites Project
2 would—

3 (A) increase surface water storage to en-
4 hance water management flexibility in the Sac-
5 ramento Valley;

6 (B) improve operation of the State’s water
7 system to provide improvements in ecosystem
8 and water quality conditions in the Bay-Delta
9 while providing a more reliable water supply for
10 the State of California;

11 (C) improve conditions for fish, waterfowl,
12 and wildlife in the Sacramento Valley, including
13 anadromous fish in the Sacramento River;

14 (D) provide local flood control benefits;

15 (E) integrate with renewable energy
16 sources consistent with applicable Federal and
17 State of California goals;

18 (F) create both construction and long-term
19 jobs to improve the local and regional econo-
20 mies in the Sacramento Valley;

21 (G) provide additional recreational bene-
22 fits; and

23 (H) reduce local flooding.

24 (4) The Sites Project has been shown to provide
25 approximately 500,000 acre-feet of additional

1 annualized yield that, when integrated into the oper-
2 ations of the State and Federal reservoirs upstream
3 of the Bay-Delta, can improve the system-wide oper-
4 ational efficiency for both water supply reliability
5 and the environment.

6 (5) Healthy wetlands and wildlife refuges are of
7 vital importance to wildlife in California and require
8 a reliable supply of water. Additional surface water
9 storage can help meet water supply goals under the
10 Central Valley Project Improvement Act (title
11 XXXIV of Public Law 102–575).

12 (6) It is in the interests of the United States
13 for the Federal Government to work with the Sites
14 Project Authority, which has been established under
15 the laws of the State of California as an independent
16 joint exercise of powers authority to, among other
17 things, study, promote, develop, design, finance, ac-
18 quire, construct, manage, and operate Sites Res-
19 ervoir and related facilities to advance the Sites
20 Project in the most expeditious and cost-effective
21 manner possible.

22 (7) On July 24, 2018, the California Water
23 Commission voted to award \$816,000,000 to the
24 Sites Project under Proposition 1 (Water Quality,
25 Supply, and Infrastructure Improvement Act of

1 2014), showing a strong commitment from the State
2 of California to advance the project.

3 (8) As of the date of the introduction of this
4 Act, the Sites Project Authority had the following
5 public agencies serving on its 11-member governing
6 board: Colusa County Water District, Glenn-Colusa
7 Irrigation District, Placer County Water District/
8 City of Roseville, Reclamation District 108, Sac-
9 ramento County Water Agency/City of Sacramento,
10 the Tehama-Colusa Canal Authority, Westside
11 Water District, the County of Colusa, and the Coun-
12 ty of Glenn. In addition, other agencies from the
13 Sacramento Valley and agencies from the Bay Area,
14 San Joaquin Valley, and southern California are ac-
15 tively participating to advance the Sites Project.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **AUTHORITY.**—The term “Authority” means
19 the Sites Project Authority that entered into a Joint
20 Exercise of Powers Agreement on August 26, 2010,
21 for the purpose of advancing the Sites Project as a
22 non-Federal facility.

23 (2) **BUREAU.**—The term “Bureau” means the
24 Bureau of Reclamation.

1 (3) CENTRAL VALLEY PROJECT.—The term
2 “Central Valley Project” means all Federal reclama-
3 tion projects located within or diverting water from
4 or to the watershed of the Sacramento and San Joa-
5 quin Rivers and their tributaries as authorized by
6 the Act of August 26, 1937 (50 Stat. 850), and all
7 Acts amendatory or supplemental thereto, includ-
8 ing—

9 (A) the Act of October 17, 1940 (54 Stat.
10 1198, 1199);

11 (B) the Act of December 22, 1944 (58
12 Stat. 887);

13 (C) the Act of October 14, 1949 (63 Stat.
14 852);

15 (D) the Act of September 26, 1950 (64
16 Stat. 1036);

17 (E) the Act of August 27, 1954 (68 Stat.
18 879);

19 (F) the Act of August 12, 1955 (69 Stat.
20 719);

21 (G) the Act of June 3, 1960 (74 Stat.
22 156);

23 (H) the Act of October 23, 1962 (76 Stat.
24 1173);

1 (I) the Act of September 2, 1965 (79 Stat.
2 615);

3 (J) the Act of August 19, 1967 (81 Stat.
4 167);

5 (K) the Act of August 27, 1967 (81 Stat.
6 173);

7 (L) the Act of October 23, 1970 (84 Stat.
8 1097);

9 (M) the Act of September 28, 1976 (90
10 Stat. 1324); and

11 (N) the Act of October 27, 1986 (100
12 Stat. 3050).

13 (4) COMMISSIONER.—The term “Commis-
14 sioner” means the Commissioner of the Bureau of
15 Reclamation.

16 (5) REPAYMENT AND WATER SERVICE CON-
17 TRACTS.—The terms “repayment contract” and
18 “water service contract” have the same meaning
19 given those terms in sections 9(d) and 9(e), respec-
20 tively, of the Reclamation Project Act of 1939 (53
21 Stat. 1187, 1195).

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (7) SITES PROJECT.—The term “Sites
25 Project”—

1 (A) refers to the off-stream water storage
2 project identified in the CALFED Record of
3 Decision, dated August 28, 2000; and

4 (B) means the Sites Reservoir in Glenn
5 and Colusa Counties, California, and related fa-
6 cilities, including associated water conveyance
7 and hydropower generation and transmission
8 facilities.

9 (8) STATE.—The term “State” means the State
10 of California.

11 **SEC. 4. FEASIBILITY STUDY AND ENVIRONMENTAL IMPACT**
12 **STATEMENTS.**

13 (a) DUTIES OF THE BUREAU.—With respect to the
14 Sites Project, the Bureau shall—

15 (1) be the lead Federal agency for the purposes
16 of all Federal reviews, analyses, opinions, state-
17 ments, permits, licenses, or other approvals or deci-
18 sions required under Federal law to allow the con-
19 struction of the Sites Project, including all require-
20 ments under—

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

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

1 (C) any other Federal law applicable to the
2 construction of the Sites Project facilities by
3 the Authority;

4 (2) take such steps as are necessary to ensure
5 that all Federal reviews, analyses, opinions, state-
6 ments, permits, licenses, or other approvals or deci-
7 sions required under Federal law to allow the Au-
8 thority to construct and operate the Sites Project
9 are completed on an expeditious basis and use the
10 shortest applicable process, and, to the maximum ex-
11 tent practicable, are completed not later than Janu-
12 ary 1, 2022, as required by the California Water
13 Quality Supply, and Infrastructure Improvement
14 Act, as approved by California voters on November
15 4, 2014, as a condition of State financial participa-
16 tion in a project deemed eligible for assistance under
17 the aforementioned Act; and

18 (3) coordinate, as appropriate, with the non-
19 Federal project sponsors, which are the State of
20 California and the Sites Project Authority.

21 (b) FINAL ENVIRONMENTAL IMPACT STATEMENT
22 AND ENVIRONMENTAL IMPACT REPORT.—No later than
23 6 months after the date of the enactment of this Act, the
24 Secretary shall work with the Secretary of Commerce, the
25 Assistant Secretary of the Army for Civil Works, and the

1 Administrator of the Environmental Protection Agency to
2 develop a plan to expeditiously complete and issue the final
3 joint environmental impact statement and environmental
4 impact report on the Sites Project.

5 (c) REQUIREMENTS OF EXISTING LAW.—Nothing in
6 this section affects the requirements of Federal law.

7 **SEC. 5. CONSTRUCTION AND OPERATION OF NON-FEDERAL**
8 **PROJECT.**

9 (a) AUTHORIZATION OF CONSTRUCTION.—Section
10 103(d)(1)(B) of the Calfed Bay-Delta Authorization Act
11 (Public Law 108–361) is amended—

12 (1) by redesignating clauses (ii) and (iii) as
13 clauses (iv) and (v), respectively;

14 (2) by inserting after clause (i) the following:

15 “(ii) CONSTRUCTION AUTHORIZA-
16 TION.—If the Secretary determines that
17 the project described in subparagraph
18 (A)(ii)(I) is feasible, the Secretary, in co-
19 operation with the Authority, may partici-
20 pate in the design, planning, and construc-
21 tion of the Sites Project, as a non-Federal,
22 State-led project as defined under section
23 4007(a)(2) of Public Law 114–322, in a
24 manner that is substantially in accordance
25 with the recommended plan, subject to the

1 conditions described in the feasibility
2 study.

3 “(iii) FEDERAL INVESTMENT IN A
4 NON-FEDERAL SITES PROJECT.—As re-
5 quired by section 4007(c)(2)(C), the Sec-
6 retary shall take such steps as are nec-
7 essary to ensure that, in return for any
8 Federal investment in a non-Federal Sites
9 Project, a proportionate share of the
10 project’s public benefits are Federal bene-
11 fits, including water supplies dedicated to
12 specific purposes such as environmental
13 enhancement and those purposes referred
14 to in section 5(f) and (g) of the Sites Res-
15 ervoir Project Act.”;

16 (3) in clause (iii), by striking “the project” and
17 inserting “a project described in subparagraph
18 (A)(ii)(I)”; and

19 (4) in subclause (I) of clause (v) (as so redesi-
20 gnated by paragraph (1) of this subsection), by strik-
21 ing “clause (ii)” each place it appears and inserting
22 “clause (iv)”.

23 (b) IN GENERAL.—Notwithstanding any provision of
24 this Act, the Commissioner shall take any and all actions
25 possible to advance the Sites Project as a non-Federal

1 project, including entering into cost-shared financial as-
2 sistance agreements with the Authority to support the de-
3 sign, planning, and construction of the Sites Project as
4 a non-Federal project.

5 (c) PROJECT PARTNERSHIP AGREEMENTS.—At the
6 request of the Authority, the Bureau shall enter into a
7 project partnership agreement with the Authority for the
8 Authority to provide full project management control for
9 construction of the Sites Project, or a separable element
10 of the project, in accordance with plans approved by the
11 Secretary.

12 (d) DETAILED PROJECT SCHEDULE.—Not later than
13 180 days after entering into a Project partnership agree-
14 ment under subsection (c), the Authority, to the maximum
15 extent practicable, shall submit to the Secretary a detailed
16 project schedule based on estimated funding levels that
17 lists all deadlines for each milestone in the construction
18 of the project.

19 (e) TITLE; OPERATIONS AND MAINTENANCE.—The
20 Authority shall—

21 (1) hold title to all new facilities constructed
22 under this section; and

23 (2) be solely responsible for the operation and
24 maintenance costs for such facilities.

1 (f) COORDINATED OPERATIONS.—The Secretary
2 shall execute and implement a long-term agreement be-
3 tween the United States and the Authority to provide for
4 the coordination of operations of the Central Valley
5 Project and the Sites Project to—

6 (1) satisfy any contracts or cooperative agree-
7 ments entered into subsection (g);

8 (2) help meet any unmet needs for Sacramento
9 Valley inbasin water uses;

10 (3) help meet any unmet needs of existing Cen-
11 tral Valley Project repayment and water service con-
12 tracts; and

13 (4) ensure that any surplus water supplies from
14 the Sites Project are put to full and beneficial use.

15 (g) CONTRACTS AND COOPERATIVE AGREEMENTS.—

16 The Secretary is authorized to enter into long-term con-
17 tracts and cooperative agreements with the Authority to
18 complete all planning and preconstruction activities and
19 to acquire water supplies and lease-of-power privilege
20 made available from the Sites Project for the purposes of
21 meeting the requirements under section 3406(b)(3) and
22 section 3408(j) of the Central Valley Project Improvement
23 Act (Public Law 102–575) and such other purposes as
24 the Secretary may deem appropriate.

1 **SEC. 6. WATER INFRASTRUCTURE IMPROVEMENTS FOR**
2 **THE NATION (WIIN) ACT AMENDMENTS.**

3 (a) ISSUANCE OF GUIDELINES.—Section 4007(c)(4)
4 of Public Law 114–322 is amended—

- 5 (1) by striking “(B)” and inserting “(C)”;
- 6 (2) by striking “but” after “analyses”; and
- 7 (3) by inserting after subparagraph (A), the fol-
8 lowing:

9 “(B) shall, not later than 120 days after
10 the date of the enactment of the Sites Reservoir
11 Project Act, issue guidelines for feasibility (or
12 the equivalent) studies for State-led storage
13 projects that shall be deemed to provide suffi-
14 cient information for making the independent
15 determinations described in paragraph (2);
16 and”.

17 (b) DEFINITIONS.—Section 4011(f)(2) of Public Law
18 114–322 is amended—

- 19 (1) by inserting “permitting,” following “de-
20 signing”; and
- 21 (2) by inserting “mitigation” following “regu-
22 latory”.

23 **SEC. 7. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

24 Nothing in this Act—

1 (1) modifies or alters any obligations or re-
2 quirements under any Federal environmental law,
3 including—

4 (A) the National Environmental Policy Act
5 of 1969 (42 U.S.C. 4321 et seq.); and

6 (B) the Endangered Species Act of 1973
7 (16 U.S.C. 1531 et seq.); and

8 (2) preempts or modifies any obligation of the
9 Federal Government to act in conformance with ap-
10 plicable State law, including applicable State water
11 law.

12 **SEC. 8. SAVINGS CLAUSE.**

13 Nothing in this Act shall be construed to preempt or
14 modify any obligation of the United States to act in con-
15 formance with applicable State law, including area of ori-
16 gin and other water rights protections.

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