

**[Language Proposed to be Included]**

1 **TITLE \_\_\_\_\_—CALIFORNIA EMER-**  
2 **GENCY DROUGHT RELIEF**  
3 **AND WATER STORAGE**

4 **SEC. \_\_01. SHORT TITLE; TABLE OF CONTENTS; FINDING;**  
5 **DEFINITIONS.**

6 (a) SHORT TITLE.—This title may be cited at the  
7 “California Emergency Drought Relief and Water Storage  
8 Act of 2015”.

9 (b) TABLE OF CONTENTS.—The table of contents for  
10 this title is as follows:

- Sec. \_\_01. Short title; table of contents; finding; definitions.
- Sec. \_\_02. Emergency operations and reviews.
- Sec. \_\_03. Actions to benefit fish.
- Sec. \_\_04. Scientifically supported implementation of OMR flow requirements.
- Sec. \_\_05. Temporary operational flexibility for first few storms of the water year.
- Sec. \_\_06. State water project offset and water rights protections.
- Sec. \_\_07. Westwide storage provisions.
- Sec. \_\_08. CALFED storage feasibility studies.
- Sec. \_\_09. Losses caused by construction and operation of water storage projects.
- Sec. \_\_10. Assistance for drought-stricken communities.
- Sec. \_\_11. Conservation fish hatcheries.
- Sec. \_\_12. Non-Federal program to protect native anadromous fish in the Stanislaus River.
- Sec. \_\_13. Pilot program to implement CALFED invasive species program.
- Sec. \_\_14. Additional storage at New Melones.
- Sec. \_\_15. Reauthorization of Desalination Act.
- Sec. \_\_16. New water recycling and reuse projects.
- Sec. \_\_17. Accelerated revenue and repayment.
- Sec. \_\_18. Deauthorization of inactive projects.
- Sec. \_\_19. Compliance with the Endangered Species Act.
- Sec. \_\_20. Sunset.

(c) FINDING.—Data on the difference between water demand and reliable water supplies for various regions of California south of the Delta, including the San Joaquin Valley, indicate there is a significant annual gap between reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs within the Delta Division, San Luis Unit and Friant Division of the Central Valley Project and the State Water Project south of the Sacramento-San Joaquin River Delta and the demands of those areas. This gap varies depending on the methodology of the analysis performed, but can be represented in the following ways:

(1) For Central Valley Project South-of-Delta water service contractors, if it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, then the water supply deficits that have developed from 1992 to 2014 as a result of legislative and regulatory changes besides natural variations in hydrology during this timeframe range between 670,000 and 1,460,000 acre-feet.

(2) For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference

1       between reliable water supplies, including maximum  
2       water contract deliveries, safe yield of groundwater,  
3       safe yield of local and surface supplies and long-term  
4       contracted water transfers, and water demands, in-  
5       cluding water demands from agriculture, municipal  
6       and industrial and refuge contractors, then the  
7       water supply deficit ranges between approximately  
8       2,500,000 to 2,700,000 acre-feet.

9       (d) DEFINITIONS.—For purposes of this Act:

10           (1) ASSISTANT ADMINISTRATOR.—The term  
11       “Assistant Administrator” means the Assistant Ad-  
12       ministrator of the National Oceanic and Atmos-  
13       pheric Administration for Fisheries.

14           (2) CENTRAL VALLEY PROJECT.—The term  
15       “Central Valley Project” has the meaning given the  
16       term in section 3403 of the Central Valley Project  
17       Improvement Act (Public Law 102–575; 106 Stat.  
18       4707).

19           (3) COMMISSIONER.—The term “Commis-  
20       sioner” means the Commissioner of the Bureau of  
21       Reclamation.

22           (4) DELTA.—The term “Delta” means the Sac-  
23       ramento-San Joaquin Delta and the Suisun Marsh  
24       (as defined in section 12220 of the California Water  
25       Code and section 29101 of the California Public Re-

1 sources Code (as in effect on the date of enactment  
2 of this Act)).

3 (5) DELTA SMELT.—The term “Delta smelt”  
4 means the fish species with the scientific name  
5 *Hypomesus transpacificus*.

6 (6) LISTED FISH SPECIES.—The term “listed  
7 fish species” means listed salmonid species and the  
8 Delta smelt.

9 (7) OMR.—The term “OMR” means the Old  
10 and Middle River in the Delta.

11 (8) OMR FLOW OF  $-5,000$  CUBIC FEET PER  
12 SECOND.—The term “OMR flow of  $-5,000$  cubic  
13 feet per second” means Old and Middle River flow  
14 of negative 5,000 cubic feet per second as described  
15 in—

16 (A) the smelt biological opinion; and

17 (B) the salmonid biological opinion.

18 (1) SALMONID BIOLOGICAL OPINION.—The  
19 term “salmonid biological opinion” means the bio-  
20 logical and conference opinion of the National Ma-  
21 rine Fisheries Service, dated June 4, 2009, on the  
22 long-term operation of the Central Valley Project  
23 and the State Water Project, including the operative  
24 incidental take statement of that opinion, or suc-  
25 cessor biological opinions.

1           (2) SMELT BIOLOGICAL OPINION.—The term  
2           “smelt biological opinion” means the biological opin-  
3           ion, dated December 15, 2008, on the coordinated  
4           operation of the Central Valley Project and the  
5           State Water Project, including the operative inci-  
6           dental take statement of that opinion, or successor  
7           biological opinions.

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

10          (4) STATE WATER PROJECT.—The term “State  
11          Water Project” means the water project described in  
12          chapter 5 of part 3 of division 6 of the California  
13          Water Code (sections 11550 et seq. (as in effect on  
14          the date of enactment of this Act)) and operated by  
15          the California Department of Water Resources.

16 **SEC. \_\_02. EMERGENCY OPERATIONS AND REVIEWS.**

17          (a) WATER SUPPLIES.—

18               (1) IN GENERAL.—The Secretary of the Inte-  
19               rior and Secretary of Commerce shall provide the  
20               maximum quantity of water supplies practicable to  
21               Central Valley Project agricultural, municipal and  
22               industrial contractors, water service or repayment  
23               contractors, water rights settlement contractors, ex-  
24               change contractors, refuge contractors, and State  
25               Water Project contractors, by approving operations

1 or temporary projects to provide additional water  
2 supplies as quickly as possible, based on available in-  
3 formation, to address the emergency conditions.

4 (2) APPLICATION.—Paragraph (1) shall apply  
5 to any operation or temporary project involving the  
6 Klamath Project, if the project or operation would  
7 benefit Federal water contractors in the State, as  
8 long as nothing in this provision shall be interpreted  
9 to limit the ability of the Secretary of the Interior  
10 to meet all legal obligations, including protection of  
11 the tribal fishery.

12 (b) ADMINISTRATION.—In carrying out subsection  
13 (a), the Secretary of the Interior and Secretary of Com-  
14 merce shall, consistent with applicable laws (including reg-  
15 ulations)—

16 (1)(A) in close coordination with the California  
17 Department of Water Resources and the California  
18 Department of Fish and Wildlife, for the duration of  
19 the drought emergency declared by the Governor of  
20 the State, implement a pilot project to test and  
21 evaluate the ability to operate the Delta cross-chan-  
22 nel gates diurnally or as otherwise may be appro-  
23 priate to keep them open to the greatest extent prac-  
24 ticable to protect out-migrating salmonids, manage  
25 salinities in the interior Delta and any other water

1 quality issues, and maximize Central Valley Project  
2 and State Water Project pumping, subject to the  
3 condition that the pilot project shall be designed and  
4 implemented consistent with operational criteria and  
5 monitoring criteria developed pursuant to the Cali-  
6 fornia State Water Resources Control Board's Order  
7 Approving a Temporary Urgency Change in License  
8 and Permit Terms in Response to Drought Condi-  
9 tions, effective January 31, 2014 (or a successor  
10 order); and

11 (B) design, implement, and evaluate such real-  
12 time monitoring capabilities to enable effective real-  
13 time operations of the cross channel in order effi-  
14 ciently to meet the objectives described in subpara-  
15 graph (A);

16 (2) with respect to the operation of the Delta  
17 Cross Channel Gates described in paragraph (1),  
18 collect data on the impact of that operation on—

19 (A) species listed as threatened or endan-  
20 gered under the Endangered Species Act of  
21 1973 (16 U.S.C. 1531 et seq.);

22 (B) water quality; and

23 (C) water supply benefits;

24 (3) collaborate with the California Department  
25 of Water Resources to install a deflection barrier at

1 Georgiana Slough and the Delta Cross Channel Gate  
2 to protect migrating salmonids, consistent with  
3 knowledge gained from activities carried out during  
4 2014 and 2015;

5 (4) not later than May 15, 2016, submit to the  
6 Senate Committees on Energy and Natural Re-  
7 sources and Environment and Public Works and the  
8 House Committee on Natural Resources a notice  
9 and explanation on the extent to which the gates are  
10 able to remain open pursuant to paragraphs (1)  
11 through (3);

12 (5) implement turbidity control strategies that  
13 may allow for increased water deliveries while avoid-  
14 ing jeopardy to adult Delta smelt (*Hypomesus*  
15 *transpacificus*) due to entrainment at Central Valley  
16 Project and State Water Project pumping plants;

17 (6) in a timely manner, evaluate any proposal  
18 to increase flow in the San Joaquin River through  
19 a voluntary sale, transfer, or exchange of water from  
20 an agency with rights to divert water from the San  
21 Joaquin River or its tributaries;

22 (7) adopt a 1:1 inflow to export ratio for the in-  
23 crement of increased flow, as measured as a 3-day  
24 running average at Vernalis during the period from  
25 April 1 through May 31, that results from the vol-



1        untary sale, transfer, or exchange, unless the Sec-  
2        retary of the Interior and Secretary of Commerce  
3        determine in writing that a 1:1 inflow-to-export ratio  
4        for that increment of increased flow will avoid addi-  
5        tional adverse effects on listed salmonid species be-  
6        yond the range of the effects anticipated to occur to  
7        the listed salmonid species for the duration of the  
8        salmonid biological opinion using the best scientific  
9        and commercial data available; any individual sale,  
10       transfer, or exchange using a 1:1 inflow to export  
11       ratio adopted under the authority of this section  
12       may only proceed if—

13                (A) the Secretary of the Interior deter-  
14                mines that the environmental effects of the pro-  
15                posed sale, transfer, or exchange are consistent  
16                with effects permitted under applicable law (in-  
17                cluding the Endangered Species Act (16 U.S.C.  
18                1531 et seq.), the Federal Water Pollution Con-  
19                trol Act (33 U.S.C. 1381 et seq.), and the Por-  
20                ter-Cologne Water Quality Control Act (Cali-  
21                fornia Water Code 13000 et seq.));

22                (B) Delta conditions are suitable to allow  
23                movement of the acquired, transferred, or ex-  
24                changed water through the Delta consistent  
25                with existing Central Valley Project and State

1 Water Project permitted water rights and the  
2 requirements of section 3405(a)(1)(H) of the  
3 Central Valley Project Improvement Act; and

4 (C) such voluntary sale, transfer, or ex-  
5 change of water results in flow that is in addi-  
6 tion to flow that otherwise would occur in the  
7 absence of the voluntary sale, transfer, or ex-  
8 change;

9 (8)(A) issue all necessary permit decisions dur-  
10 ing emergency consultation under the authority of  
11 the Secretary of the Interior and Secretary of Com-  
12 merce not later than 60 days after receiving a com-  
13 pleted application by the State to place and use tem-  
14 porary barriers or operable gates in Delta channels  
15 to improve water quantity and quality for State  
16 Water Project and Central Valley Project south-of-  
17 Delta water contractors and other water users,  
18 which barriers or gates shall provide benefits for  
19 species protection and in-Delta water user water  
20 quality, provided that they are designed so that, if  
21 practicable, formal consultations under section 7 of  
22 the Endangered Species Act of 1973 (16 U.S.C.  
23 1536) are not necessary; and

24 (B) take longer to issue the permit decisions in  
25 subparagraph (A) only if the Secretary determines

1 in writing that an Environmental Impact Statement  
2 is needed for the proposal to comply with the Na-  
3 tional Environmental Policy Act of 1969 (42 U.S.C.  
4 4321 et seq.);

5 (9) allow and facilitate, consistent with existing  
6 priorities, water transfers through the C.W. “Bill”  
7 Jones Pumping Plant or the Harvey O. Banks  
8 Pumping Plant from April 1 to November 30 pro-  
9 vided that such transfers are consistent with applica-  
10 ble law and regulations;

11 (10) require the Director of the United States  
12 Fish and Wildlife Service and the Commissioner of  
13 Reclamation to—

14 (A) determine if a written transfer pro-  
15 posal is complete within 30 days after the date  
16 of submission of the proposal. If the contracting  
17 district or agency or the Secretary determines  
18 that the proposal is incomplete, the district or  
19 agency or the Secretary shall state with speci-  
20 ficity what must be added to or revised for the  
21 proposal to be complete;

22 (B) complete all requirements under the  
23 National Environmental Policy Act of 1969 (42  
24 U.S.C. 4321 et seq.) and the Endangered Spe-  
25 cies Act of 1973 (16 U.S.C. 1531 et seq.) nec-

1           essary to make final permit decisions on water  
2           transfer requests in the State, not later than 30  
3           days after receiving such a request;

4                 (C) take longer to issue the permit deci-  
5           sions in subparagraph (A) only if the Secretary  
6           determines in writing that an Environmental  
7           Impact Statement is needed for the proposal to  
8           comply with the National Environmental Policy  
9           Act of 1969 (42 U.S.C. 4321 et seq.); and

10                (D) approve any water transfer request de-  
11           scribed in subparagraph (A) to maximize the  
12           quantity of water supplies on the condition that  
13           actions associated with the water transfer are  
14           consistent with existing Central Valley Project  
15           and State Water Project permitted water rights  
16           and the requirements of section 3405(a)(1)(H)  
17           of the Central Valley Project Improvement Act;

18                (11) use all available scientific tools to identify  
19           any changes to real-time operations of Bureau of  
20           Reclamation, State, and local water projects that  
21           could result in the availability of additional water  
22           supplies; and

23                (12) continue to vary the averaging period of  
24           the Delta Export/Inflow ratio, to the extent con-  
25           sistent with any applicable State Water Resources

1 Control Board orders under decision D-1641, to op-  
2 erate to a—

3 (A) 35-percent Export/Inflow ratio with a  
4 3-day averaging period on the rising limb of a  
5 Delta inflow hydrograph; and

6 (B) 14-day averaging period on the falling  
7 limb of the Delta inflow hydrograph.

8 (c) OTHER AGENCIES.—To the extent that a Federal  
9 agency other than the Department of the Interior and the  
10 Department of Commerce has a role in approving projects  
11 described in subsections (a) and (b), this section shall  
12 apply to the Federal agency.

13 (d) ACCELERATED PROJECT DECISION AND ELE-  
14 VATION.—

15 (1) IN GENERAL.—The Secretary of the Inte-  
16 rior and Secretary of Commerce shall use the expe-  
17 dited procedures under this subsection to make final  
18 decisions relating to Federal or federally-approved  
19 projects or operational changes proposed pursuant to  
20 subsections (a) and (b) to provide additional water  
21 supplies or otherwise address emergency drought  
22 conditions.

23 (2) REQUEST FOR RESOLUTION.—Not later  
24 than 7 days after receiving a request of the Gov-  
25 ernor of the State, the Secretaries referred to in

1 paragraph (1), or the head of another Federal agen-  
2 cy responsible for carrying out a review of a project,  
3 as applicable, the Secretary of the Interior shall con-  
4 vene a final project decision meeting with the heads  
5 of all relevant Federal agencies to decide whether to  
6 approve a project to provide emergency water sup-  
7 plies or otherwise address emergency drought condi-  
8 tion

9 (3) NOTIFICATION.—Upon receipt of a request  
10 for a meeting under this subsection, the Secretary of  
11 the Interior shall notify the heads of all relevant  
12 Federal agencies of the request, including a descrip-  
13 tion of the project to be reviewed and the date for  
14 the meeting.

15 (4) DECISION.—Not later than 10 days after  
16 the date on which a meeting is requested under  
17 paragraph (2), the head of the relevant Federal  
18 agency shall issue a final decision on the project.

19 (5) MEETING CONVENED BY SECRETARY.—The  
20 Secretary of the Interior may convene a final project  
21 decision meeting under this subsection at any time,  
22 at the discretion of the Secretary, regardless of  
23 whether a meeting is requested under paragraph (2).

24 (6) LIMITATION.—The expedited procedures  
25 under this subsection apply only to—

1 (A) proposed new Federal projects or oper-  
2 ational changes pursuant to subsection (a) or  
3 (b); and

4 (B) the extent they are consistent with ap-  
5 plicable laws (including regulations).

6 (e) DROUGHT PLAN.—For any year that this section  
7 is in effect, the Secretaries of Commerce and the Interior,  
8 in consultation with appropriate State officials, shall de-  
9 velop a drought operations plan that is consistent with the  
10 provisions of this Act including the provisions that are in-  
11 tended to provide additional water supplies that could be  
12 of assistance during the current drought.

13 **SEC. \_\_03. ACTIONS TO BENEFIT FISH.**

14 (a) PROJECTS TO MAXIMIZE WATER EXPORTS.—The  
15 Secretary of the Interior and the Secretary of Commerce  
16 shall undertake the following projects designed to maxi-  
17 mize water exports to the Central Valley Project and State  
18 Water Project contractors while minimizing adverse ef-  
19 fects to listed species in the smelt and salmonid biological  
20 opinions:

21 (1) Gravel and rearing area additions to the  
22 Sacramento River.

23 (2) Improvements to fish passage at Mill Creek  
24 and Deer Creek.

1 (b) REPORT.—Not later than 180 days after the date  
2 of the enactment of this Act, the Secretary of the Interior,  
3 in consultation with the Secretary of Commerce, shall sub-  
4 mit to Congress a report on the feasibility of implementing  
5 the projects in subsection (a).

6 (c) COMMENCEMENT.—If the Secretary of the Inte-  
7 rior determines, in the feasibility report required under  
8 subsection (b), that the projects are feasible and beneficial  
9 for protecting and recovering fish populations, the Sec-  
10 retary shall commence implementation of those additions  
11 by not later than 1 year after the date of submission of  
12 the feasibility reports.

13 (d) CONSULTATION.—The Secretary of the Interior  
14 shall take such steps as are necessary to partner with, and  
15 coordinate the efforts of, the Department of the Interior,  
16 the Department of Commerce, and other relevant Federal  
17 agencies to ensure that all Federal reviews, analyses, opin-  
18 ions, statements, permits, licenses, and other approvals  
19 and decisions required under Federal law are completed  
20 on an expeditious basis, consistent with Federal law.

21 (e) AUTHORIZATION.—There is authorized to be ap-  
22 propriated \$11,000,000 to carry out subsections (a)  
23 through (d) through fiscal year 2020.

24 (f) SYSTEMS AND PROGRAMS.—The Assistant Ad-  
25 ministrator for Fisheries of the National Marine Fisheries



1 Service and the Commissioner of Reclamation, in collabo-  
2 ration with the United States Fish and Wildlife Service,  
3 the California Department of Fish and Wildlife, applicable  
4 water agencies, and other interested parties, shall design,  
5 permit, implement, and evaluate—

6 (1) methods to improve the Delta salvage sys-  
7 tems, including alternative methods to redeposit  
8 salvaged salmon smelts and other fish from the  
9 Delta in a manner that reduces predation losses; and  
10 (2) a pilot program for trap and barge.

11 (g) IN GENERAL.—Subject to the consultation re-  
12 quired under subsection (f), the Assistant Administrator  
13 for Fisheries of the National Marine Fisheries Service and  
14 the Commissioner of Reclamation shall design, permit, im-  
15 plement, and evaluate a pilot program to test the efficacy  
16 of an experimental trap and barge program to improve  
17 survival of juvenile salmonids emigrating from the Sac-  
18 ramento watershed and the San Joaquin watershed  
19 though the Delta.

20 (1) PLAN.—Not later than 30 days after the  
21 date of the enactment of this Act, the Assistant Ad-  
22 ministrator and the Commissioner shall convene a  
23 working group, to be comprised of representatives of  
24 relevant agencies, water users, and other interested  
25 parties, to develop and execute a plan for the design,

1     budgeting, implementation, and evaluation of the  
2     pilot program under this paragraph using such exist-  
3     ing expertise on trap and barge programs as may be  
4     available.

5 (2) REQUIREMENTS.—The plan required under  
6 paragraph (1) shall—

(A) include a schedule and budget for the pilot program; and

9 (B) identify the responsible parties for  
10 each element of the program.

(3) IMPLEMENTATION.—The Assistant Administrator and the Commissioner shall seek to begin to implement the pilot program required under this subsection during calendar year 2016, if practicable.

(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this subsection \$10,000,000 through fiscal year 2020.

19 SEC. \_\_04. SCIENTIFICALLY SUPPORTED IMPLEMENTATION  
20 OF OMR FLOW REQUIREMENTS.

(a) IN GENERAL.—In implementing the provisions of the smelt biological opinion and the salmonid biological opinion, the Secretary of the Interior and the Secretary of Commerce shall manage Old and Middle Rivers, as prescribed in the smelt biological opinion and the salmonid

1 biological opinion, to otherwise maximize water supplies  
2 for the Central Valley Project and the State Water  
3 Project. Pertaining to management of reverse flow in the  
4 Old and Middle Rivers, the Secretary of the Interior shall  
5 take the following actions:

6 (1) Consider the relevant provisions of the  
7 smelt biological opinion and the salmonid biological  
8 opinion, or any successor biological opinions.

9 (2) To maximize Central Valley project and  
10 State Water Project water supplies, manage export  
11 pumping rates to achieve a reverse OMR flow rate  
12 of -5,000 cubic feet per second unless existing infor-  
13 mation or that developed by the Secretary under  
14 paragraphs (3) and (4) leads the Secretary to rea-  
15 sonably conclude, using the best scientific and com-  
16 mercial data available, that a less negative OMR  
17 flow rate is necessary to avoid additional adverse ef-  
18 fects on listed species beyond the range of the effects  
19 anticipated to occur to the listed species for the du-  
20 ration of the smelt biological opinion or the salmonid  
21 biological opinion. If information available to the  
22 Secretary of the Interior indicates that a reverse  
23 OMR flow rate more negative than -5,000 cubic feet  
24 per second can be established using the best com-  
25 mercial and scientific data available without addi-

1 tional adverse effects on listed species beyond the  
2 range of the effects anticipated to occur to the listed  
3 species for the duration of the smelt biological opin-  
4 ion or the salmonid biological opinion, the Secretary  
5 of the Interior shall manage export pumping rates to  
6 achieve that more negative OMR flow rate.

7 (3) Document, in writing, any significant facts  
8 about real-time conditions relevant to the determina-  
9 tions of OMR reverse flow rates, including—

10 (A) whether targeted real-time fish moni-  
11 toring pursuant to this section, including moni-  
12 toring in the vicinity of Station 902, indicates  
13 that additional adverse effects on listed species  
14 beyond the range of the effects anticipated to  
15 occur to the listed species for the duration of  
16 the smelt biological opinion or the salmonid bio-  
17 logical opinion is imminent; and

18 (B) whether near-term forecasts with avail-  
19 able models show under prevailing conditions  
20 that OMR flow of -5,000 cubic feet per second  
21 or higher will cause additional adverse effects  
22 on listed species beyond the range of the effects  
23 anticipated to occur to the listed species for the  
24 duration of the smelt biological opinion or the

1 salmonid biological opinion using the best sci-  
2 entific and commercial data available.

3 (4) Show, in writing, that any determination to  
4 manage OMR reverse flow at rates less negative  
5 than -5,000 cubic feet per second is necessary to  
6 avoid additional adverse effects on listed species be-  
7 yond the range of the effects anticipated to occur to  
8 the listed species for the duration of the smelt bio-  
9 logical opinion or the salmonid biological opinion  
10 using the best scientific and commercial data avail-  
11 able, including an explanation of the data examined  
12 and the connection between those data and the  
13 choice made, after considering—

14 (A) the distribution of Delta smelt  
15 throughout the Delta;

16 (B) the potential effects of documented,  
17 quantified entrainment on subsequent Delta  
18 smelt abundance;

19 (C) the water temperature;

20 (D) other significant factors relevant to  
21 the determination;

22 (E) turbidity; and

23 (F) whether any alternative measures  
24 could have a substantially lesser water supply  
25 impact.

1           (5) For any subsequent smelt biological opinion  
2           or salmonid biological opinion, make the showing re-  
3           quired in paragraph (4) for any determination to  
4           manage OMR reverse flow at rates less negative  
5           than the most negative limit in the biological opinion  
6           if the most negative limit in the biological opinion is  
7           more negative than  $-5,000$  cubic feet per second.

8           (b) **LEVEL OF DETAIL REQUIRED.**—The analyses  
9           and documentation required by this section shall be com-  
10          parable to the depth and complexity as is appropriate for  
11          real time decision-making. This section shall not be inter-  
12          preted to require a level of administrative findings and  
13          documentation that could impede the execution of effective  
14          real time adaptive management, as is generally provided  
15          for in **[section 307(g)]**.

16          (c) **FIRST SEDIMENT FLUSH.**—During the first flush  
17          of sediment out of the Delta in each water year, and pro-  
18          vided that such determination is based upon objective evi-  
19          dence, notwithstanding subsection (a), the Secretary may  
20          manage OMR flow at rates less negative than  $-5,000$  cubic  
21          feet per second for a minimum duration to avoid move-  
22          ment of adult Delta smelt (*Hypomesus transpacificus*) to  
23          areas in the southern Delta that would be likely to in-  
24          crease entrainment at Central Valley Project and State  
25          Water Project pumping plants.

1 (d) CONSTRUCTION.—The Secretary of the Interior  
2 and the Secretary of Commerce are authorized to imple-  
3 ment subsection (a) consistent with the results of moni-  
4 toring through Early Warning Surveys to make real time  
5 operational decisions consistent with the current applica-  
6 ble biological opinion.

7 (e) CONCLUSION.—In implementing or at the conclu-  
8 sion of actions under subsection (a), the Secretary of the  
9 Interior shall not reinitiate consultation on those adjusted  
10 operations if there is no additional adverse effects on listed  
11 species beyond the range of the effects anticipated to occur  
12 to listed species for the duration of the smelt biological  
13 opinion or salmonid biological opinion.

14 **SEC. \_\_05. TEMPORARY OPERATIONAL FLEXIBILITY FOR**  
15 **FIRST FEW STORMS OF THE WATER YEAR.**

16 (a) IN GENERAL.—Consistent with avoiding addi-  
17 tional adverse effects on listed species beyond the range  
18 of the effects anticipated to occur to the listed species for  
19 the duration of the smelt biological opinion or salmonid  
20 biological opinion, using the best scientific and commercial  
21 data available and other environmental protections under  
22 subsection (e) while maximizing water supplies for Central  
23 Valley Project and State Water Project contractors, the  
24 Secretary of the Interior and the Secretary of Commerce  
25 shall authorize the Central Valley Project and the State

1 Water Project, combined, to operate at levels that result  
2 in OMR flows more negative than -5,000 cubic feet per  
3 second (based on United States Geological Survey gauges  
4 on Old and Middle Rivers) daily average as described in  
5 subsections (b) and (c) to capture peak flows during  
6 events.

7 (b) DAYS OF TEMPORARY OPERATIONAL FLEXI-  
8 BILITY.—The temporary operational flexibility described  
9 in subsection (a) shall be authorized on days that the Cali-  
10 fornia Department of Water Resources determines the net  
11 Delta outflow index is at or above 13,000 cubic feet per  
12 second.

13 (c) OTHER ENVIRONMENTAL PROTECTIONS.—

14 (1) STATE LAW.—The actions of the Secretary  
15 of the Interior and the Secretary of Commerce under  
16 this section shall be consistent with applicable regu-  
17 latory requirements under State law.

18 (2) FIRST SEDIMENT FLUSH.—During the first  
19 flush of sediment out of the Delta in each water  
20 year, and provided that such determination is based  
21 upon objective evidence, OMR flow may be managed  
22 rates less negative than -5,000 cubic feet per second  
23 for a minimum duration to avoid movement of adult  
24 Delta smelt (*Hypomesus transpacificus*) to areas in  
25 the southern Delta that would be likely to increase



1       entrainment at Central Valley Project and State  
2       Water Project pumping plants.

3           (3) APPLICABILITY OF OPINION.—This section  
4       shall not affect the application of the salmonid bio-  
5       logical opinion from April 1 to May 31, unless the  
6       Secretary of Commerce finds that some or all of  
7       such applicable requirements may be adjusted dur-  
8       ing this time period to provide emergency water sup-  
9       ply relief without resulting in additional adverse ef-  
10      fects on listed salmonid species beyond the range of  
11      the effects anticipated to occur to the listed  
12      salmonid species for the duration of the salmonid bi-  
13      ological opinion using the best scientific and com-  
14      mercial data available. In addition to any other ac-  
15      tions to benefit water supply, the Secretary of the  
16      Interior and the Secretary of Commerce shall con-  
17      sider allowing through-Delta water transfers to  
18      occur during this period if they can be accomplished  
19      consistent with section 3405(a)(1)(H) of the Central  
20      Valley Project Improvement Act and other applicable  
21      law. Water transfers solely or exclusively through  
22      the State Water Project are not required to be con-  
23      sistent with section 3405(a)(1)(H) of the Central  
24      Valley Project Improvement Act.

1           (4) MONITORING.—During operations under  
2       this section, the Commissioner of Reclamation, in  
3       coordination with the Fish and Wildlife Service, Na-  
4       tional Marine Fisheries Service, and California De-  
5       partment of Fish and Wildlife, shall undertake ex-  
6       panded monitoring programs and other data gath-  
7       ering to improve the efficiency of operations for list-  
8       ed species protections and Central Valley Project  
9       and State Water Project water supply to ensure inci-  
10      dental take levels are not exceeded, and to identify  
11      potential negative impacts and actions, if any, nec-  
12      essary to mitigate impacts of temporary operational  
13      flexibility to Delta smelt or listed salmonid species.

14      (d) EFFECT OF HIGH OUTFLOWS.—In recognition of  
15      the high outflow levels from the Delta during the days this  
16      section is in effect under subsection (b), the Secretary of  
17      the Interior and the Secretary of Commerce shall not  
18      count such days toward the 5-day and 14-day running  
19      averages of tidally filtered daily Old and Middle River flow  
20      requirements under the smelt biological opinion and  
21      salmonid biological opinion, as long as the Secretaries  
22      avoid additional adverse effects on listed fish species be-  
23      yond those anticipated to occur through implementation  
24      of the smelt biological opinion and salmonid biological

1 opinion using the best scientific and commercial data  
2 available.

3 (e) OMR FLOWS.—The Secretary of the Interior and  
4 the Secretary of Commerce shall, through the adaptive  
5 management provisions in the salmonid biological opinion,  
6 limit OMR reverse flow to -5,000 cubic feet per second  
7 based on date certain triggers in the salmonid biological  
8 opinions only if using real-time migration information on  
9 salmonids demonstrates that such action is necessary to  
10 avoid additional adverse effects on listed salmonid species  
11 beyond the range of the effects anticipated to occur to the  
12 listed salmonid species for the duration of the salmonid  
13 biological opinion using the best scientific and commercial  
14 data available.

15 (f) CONCLUSION.—In implementing or at the conclu-  
16 sion of actions under this section, the Secretary of the In-  
17 terior shall not reinitiate consultation on those adjusted  
18 operations if there is no additional adverse effects on listed  
19 species beyond the range of the effects anticipated to occur  
20 to listed species for the duration of the smelt biological  
21 opinion or salmonid biological opinion.

22 (g) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—  
23 In articulating the determinations required under this sec-  
24 tion, the Secretary of the Interior and the Secretary of  
25 Commerce shall fully satisfy the requirements herein but

1 shall not be expected to provide a greater level of sup-  
2 porting detail for the analysis than feasible to provide  
3 within the short timeframe permitted for timely real-time  
4 decision-making in response to changing conditions in the  
5 Delta.

6 **SEC. \_\_06. STATE WATER PROJECT OFFSET AND WATER**  
7 **RIGHTS PROTECTIONS.**

8 (a) OFFSET FOR STATE WATER PROJECT.—

9 (1) IMPLEMENTATION IMPACTS.—The Sec-  
10 retary of the Interior shall confer with the California  
11 Department of Fish and Wildlife in connection with  
12 the implementation of this Act on potential impacts  
13 to any consistency determination for operations of  
14 the State Water Project issued pursuant to Cali-  
15 fornia Fish and Game Code section 2080.1.

16 (2) ADDITIONAL YIELD.—If, as a result of the  
17 application of this Act, the California Department of  
18 Fish and Wildlife—

19 (A) determines that operations of the State  
20 Water Project are inconsistent with the consist-  
21 ency determinations issued pursuant to Cali-  
22 fornia Fish and Game Code section 2080.1 for  
23 operations of the State Water Project; or

24 (B) requires take authorization under Cali-  
25 fornia Fish and Game Code section 2081 for

1 operation of the State Water Project in a man-  
2 ner that directly or indirectly results in reduced  
3 water supply to the State Water Project as  
4 compared with the water supply available under  
5 the smelt biological opinion and the salmonid  
6 biological opinion; and

7 as a result, Central Valley Project yield is greater  
8 than it otherwise would have been, then that addi-  
9 tional yield shall be made available to the State  
10 Water Project for delivery to State Water Project  
11 contractors to offset that reduced water supply.

12 (3) NOTIFICATION RELATED TO ENVIRON-  
13 MENTAL PROTECTIONS.—The Secretary of the Inte-  
14 rior and Secretary of Commerce shall—

15 (A) notify the Director of the California  
16 Department of Fish and Wildlife regarding any  
17 changes in the manner in which the smelt bio-  
18 logical opinion or the salmonid biological opin-  
19 ion is implemented; and

20 (B) confirm that those changes are con-  
21 sistent with the Endangered Species Act of  
22 1973 (16 U.S.C. 1531 et seq.).

23 (b) AREA OF ORIGIN AND WATER RIGHTS PROTEC-  
24 TIONS.—

1           (1) IN GENERAL.—The Secretary of the Inte-  
2           rior and the Secretary of Commerce, in carrying out  
3           the mandates of this Act, shall take no action that—

4                   (A) diminishes, impairs, or otherwise af-  
5                   fects in any manner any area of origin, water-  
6                   shed of origin, county of origin, or any other  
7                   water rights protection, including rights to  
8                   water appropriated before December 19, 1914,  
9                   provided under State law;

10                   (B) limits, expands or otherwise affects the  
11                   application of section 10505, 10505.5, 11128,  
12                   11460, 11461, 11462, 11463, or 12200  
13                   through 12220 of the California Water Code or  
14                   any other provision of State water rights law,  
15                   without respect to whether such a provision is  
16                   specifically referred to in this Act; or

17                   (C) diminishes, impairs, or otherwise af-  
18                   fects in any manner any water rights or water  
19                   rights priorities under applicable law.

20           (2) SECTION 7 OF THE ENDANGERED SPECIES  
21           ACT.—Any action proposed to be undertaken by the  
22           Secretary of the Interior and the Secretary of Com-  
23           merce pursuant to both this Act and section 7 of the  
24           Endangered Species Act of 1973 (16 U.S. C. 1531  
25           et seq.) shall be undertaken in a manner that does

1 not alter water rights or water rights priorities es-  
2 tablished by California law or it shall not be under-  
3 taken at all. Nothing in this section affects the obli-  
4 gations of the Secretary of the Interior and the Sec-  
5 retary of Commerce under section 7 of the Endan-  
6 gered Species Act of 1973.

7 (3) EFFECT OF ACT.—

8 (A) Nothing in this Act affects or modifies  
9 any obligation of the Secretary of the Interior  
10 under section 8 of the Act of June 17, 1902  
11 (32 Stat. 390, chapter 1093).

12 (B) Nothing in this Act diminishes, im-  
13 pairs, or otherwise affects in any manner any  
14 Project purposes or priorities for the allocation,  
15 delivery or use of water under applicable law,  
16 including the Project purposes and priorities es-  
17 tablished under section 3402 and section 3406  
18 of the Central Valley Project Improvement Act  
19 (Public Law 102–575; 106 Stat. 4706).

20 (c) NO REDIRECTED ADVERSE IMPACTS.—

21 (1) IN GENERAL.—The Secretary of the Inte-  
22 rior and Secretary of Commerce shall not carry out  
23 any specific action authorized under this Act that  
24 will directly or through State agency action indi-  
25 rectly result in the involuntary reduction of water

1       supply to an individual, district, or agency that has  
2       in effect a contract for water with the State Water  
3       Project or the Central Valley Project, including Set-  
4       tlement and Exchange contracts, refuge contracts,  
5       and Friant Division contracts, as compared to the  
6       water supply that would be provided in the absence  
7       of action under this Act, and nothing in this Act is  
8       intended to modify, amend or affect any of the  
9       rights and obligations of the parties to such con-  
10      tracts.

11           (2) ACTION ON DETERMINATION.—If, after ex-  
12      ploring all options, the Secretary of the Interior or  
13      the Secretary of Commerce makes a final determina-  
14      tion that a proposed action under this Act cannot be  
15      carried out in accordance with subsection (1), that  
16      Secretary—

17           (A) shall document that determination in  
18      writing for that action, including a statement of  
19      the facts relied on, and an explanation of the  
20      basis, for the decision;

21           (B) may exercise the Secretary's existing  
22      authority, including authority to undertake the  
23      drought-related actions otherwise addressed in  
24      this title, or to otherwise comply with other ap-



1 applicable law, including the Endangered Species  
2 Act of 1973 (16 U.S.C. 1531 et seq.); and

3 (C) shall comply with subsection (a).

4 (d) ALLOCATIONS FOR SACRAMENTO VALLEY WATER  
5 SERVICE CONTRACTORS.—

6 (1) DEFINITIONS.—In this section:

7 (A) EXISTING CENTRAL VALLEY PROJECT  
8 AGRICULTURAL WATER SERVICE CONTRACTOR  
9 WITHIN THE SACRAMENTO RIVER WATER-  
10 SHED.—The term “existing Central Valley  
11 Project agricultural water service contractor  
12 within the Sacramento River Watershed”  
13 means any water service contractor within the  
14 Shasta, Trinity, or Sacramento River division of  
15 the Central Valley Project that has in effect a  
16 water service contract on the date of enactment  
17 of this Act that provides water for irrigation.

18 (B) YEAR TERMS.—The terms “Above  
19 Normal”, “Below Normal”, “Dry”, and “Wet”,  
20 with respect to a year, have the meanings given  
21 those terms in the Sacramento Valley Water  
22 Year Type (40–30–30) Index.

23 (2) ALLOCATIONS OF WATER.—

24 (A) ALLOCATIONS.—Subject to subsection  
25 (c), the Secretary of the Interior shall make

1 every reasonable effort in the operation of the  
2 Central Valley Project to allocate water pro-  
3 vided for irrigation purposes to each existing  
4 Central Valley Project agricultural water service  
5 contractor within the Sacramento River Water-  
6 shed in accordance with the following:

7 (i) Not less than 100 percent of the  
8 contract quantity of the existing Central  
9 Valley Project agricultural water service  
10 contractor within the Sacramento River  
11 Watershed in a “Wet” year.

12 (ii) Not less than 100 percent of the  
13 contract quantity of the existing Central  
14 Valley Project agricultural water service  
15 contractor within the Sacramento River  
16 Watershed in an “Above Normal” year.

17 (iii) Not less than 100 percent of the  
18 contract quantity of the existing Central  
19 Valley Project agricultural water service  
20 contractor within the Sacramento River  
21 Watershed in a “Below Normal” year that  
22 is preceded by an “Above Normal” or  
23 “Wet” year.

24 (iv) Not less than 50 percent of the  
25 contract quantity of the existing Central

1 Valley Project agricultural water service  
2 contractor within the Sacramento River  
3 Watershed in a “Dry” year that is pre-  
4 ceded by a “Below Normal”, “Above Nor-  
5 mal”, or “Wet” year.

6 (v) Subject to clause (ii), in any other  
7 year not identified in any of paragraphs  
8 (1) through (4), not less than twice the al-  
9 location percentage to south-of-Delta Cen-  
10 tral Valley Project agricultural water serv-  
11 ice contractors, up to 100 percent.

12 (B) EFFECT OF SUBPARAGRAPH.—Nothing  
13 in subparagraph (A)(v) precludes an allocation  
14 to an existing Central Valley Project agricul-  
15 tural water service contractor within the Sac-  
16 ramento River Watershed that is greater than  
17 twice the allocation percentage to a south-of-  
18 Delta Central Valley Project agricultural water  
19 service contractor.

20 (3) PROTECTION OF ENVIRONMENT, MUNICIPAL  
21 AND INDUSTRIAL SUPPLIES, AND OTHER CONTRAC-  
22 TORS.—

23 (A) ENVIRONMENT.—Nothing in para-  
24 graph (2) shall adversely affect—

1 (i) the cold water pool behind Shasta  
2 Dam;

3 (ii) the obligation of the Secretary of  
4 the Interior to make water available to  
5 managed wetlands pursuant to section  
6 3406(d) of the Central Valley Project Im-  
7 provement Act (Public Law 102–575; 106  
8 Stat. 4722); or

9 (iii) any obligation—

10 (I) of the Secretaries under the  
11 smelt biological opinion, the salmonid  
12 biological opinion, or any other appli-  
13 cable biological opinion; or

14 (II) under the Endangered Spe-  
15 cies Act of 1973 (16 U.S.C. 1531 et  
16 seq.) or any other applicable law (in-  
17 cluding regulations).

18 (B) MUNICIPAL AND INDUSTRIAL SUP-  
19 PLIES.—Nothing in paragraph (2)—

20 (i) modifies any provision of a water  
21 service contract that addresses municipal  
22 or industrial water shortage policies of the  
23 Secretaries;

1 (ii) affects or limits the authority of  
2 the Secretaries to adopt or modify munic-  
3 ipal and industrial water shortage policies;

4 (iii) affects or limits the authority of  
5 the Secretaries to implement a municipal  
6 or industrial water shortage policy;

7 (iv) constrains, governs, or affects, di-  
8 rectly or indirectly, the operations of the  
9 American River division of the Central Val-  
10 ley Project or any deliveries from that divi-  
11 sion or a unit or facility of that division;  
12 or

13 (v) affects any allocation to a Central  
14 Valley Project municipal or industrial  
15 water service contractor by increasing or  
16 decreasing allocations to the contractor, as  
17 compared to the allocation the contractor  
18 would have received absent paragraph (2).

19 (C) OTHER CONTRACTORS.—Nothing in  
20 subsection (b)—

21 (i) affects the priority of any indi-  
22 vidual or entity with Sacramento River  
23 water rights, including an individual or en-  
24 tity with a Sacramento River settlement  
25 contract, that has priority to the diversion

1 and use of Sacramento River water over  
2 water rights held by the United States for  
3 operations of the Central Valley Project;

4 (ii) affects the obligation of the  
5 United States to make a substitute supply  
6 of water available to the San Joaquin  
7 River exchange contractors;

8 (iii) affects the allocation of water to  
9 Friant division contractors of the Central  
10 Valley Project;

11 (iv) results in the involuntary reduc-  
12 tion in contract water allocations to indi-  
13 viduals or entities with contracts to receive  
14 water from the Friant division; or

15 (v) authorizes any actions inconsistent  
16 with State water rights law.

17 **SEC. \_\_07. WESTWIDE STORAGE PROVISIONS.**

18 (a) DEFINITIONS.—In this section:

19 (1) FEDERALLY-OWNED STORAGE PROJECT.—

20 The term “ Federally-owned storage project” means  
21 any surface water storage facility to which the  
22 United States holds title and which was authorized  
23 to be constructed, operated, and maintained pursu-  
24 ant to the reclamation laws.

1           (2) STATE LED STORAGE PROJECT.—The term  
2           “State-led storage project” means any ground water  
3           or surface water storage facility constructed, oper-  
4           ated, and maintained by any State, department of a  
5           State, subdivision of a State, or public agency orga-  
6           nized pursuant to State law, in which the project  
7           provides a benefit in meeting Federal statutory and  
8           regulatory obligations.

9           (b) FEDERALLY-OWNED STORAGE PROJECTS.—

10          (1) AGREEMENTS.—On the request of any  
11          State, department, agency, or subdivision of a State,  
12          or public agency organized pursuant to State law,  
13          the Secretary of the Interior is authorized to nego-  
14          tiate and enter into an agreement on behalf of the  
15          United States for the design, study, and construc-  
16          tion or expansion of any Federally-owned storage  
17          project in accordance with this section.

18          (2) FEDERAL COST SHARE.—Subject to the re-  
19          quirements of this section, the Secretary of the Inte-  
20          rior may participate in a Federally-owned storage  
21          project in an amount equal to not more than 50 per-  
22          cent of the total cost of the Federally-owned storage  
23          project.

24          (3) COMMENCEMENT.—The construction of a  
25          Federally-owned storage project that is the subject

1 of an agreement under this section shall not com-  
2 mence until the Secretary of the Interior secures an  
3 agreement providing such funds as are necessary to  
4 pay the capital costs for any purpose that would oth-  
5 erwise be considered to be reimbursable under the  
6 reclamation laws.

7 (4) ENVIRONMENTAL LAWS.—In participating  
8 in a Federally-owned storage project under this sec-  
9 tion, the Secretary of the Interior shall comply with  
10 all applicable environmental laws, including the Na-  
11 tional Environmental Policy Act of 1969 (42 U.S.C.  
12 4321 et seq.).

13 (c) STATE LED STORAGE PROJECT.—

14 (1) IN GENERAL.—Subject to the requirements  
15 of this section, the Secretary of the Interior is au-  
16 thorized to participate in a State Led Storage  
17 Project in an amount equal to not more than 25  
18 percent of the total cost of the State Led Storage  
19 Project.

20 (2) REQUEST BY GOVERNOR.—Participation in  
21 a State Led Storage Project under this section shall  
22 not occur unless—

23 (A) the participation has been requested by  
24 the Governor of the State in which the State  
25 Led Storage Project is located;



1 (B) the State or local sponsor determines,  
2 and the Secretary of the Interior concurs,  
3 that—

4 (i) the relevant State Led Storage  
5 Project is technically and financially fea-  
6 sible;

7 (ii) sufficient non-Federal funding is  
8 available to complete the State Led Stor-  
9 age Project; and

10 (iii) the State Led Storage Project  
11 sponsors are financially solvent;

12 (C) the Secretary of the Interior deter-  
13 mines the Federal benefits of the State Led  
14 Storage Project, including water supplies dedi-  
15 cated to specific purposes such as environ-  
16 mental enhancement or wildlife refuges, meet or  
17 exceed the proposed Federal investment; and

18 (D) the Secretary of the Interior submits  
19 to Congress a written notification of those de-  
20 terminations.

21 (3) ENVIRONMENTAL LAWS.—In participating  
22 in a State Led Storage Project under this section,  
23 the Secretary of the Interior shall comply with all  
24 applicable environmental laws, including the Na-

1        tional Environmental Policy Act of 1969 (42 U.S.C.  
2        4321 et seq.).

3            (4) INFORMATION.—In participating in a State  
4        Led Storage Project under this section, the Sec-  
5        retary of the Interior—

6            (A) may rely on reports prepared by the  
7        State Led Storage Project sponsor, including  
8        feasibility (or equivalent) studies, environmental  
9        analyses, and other pertinent reports and anal-  
10       yses; but

11           (B) shall retain responsibility for making  
12        the independent determinations described in  
13        paragraph (3).

14        (d) RIGHTS TO USE CAPACITY.—Subject to compli-  
15        ance with State water rights laws, the right to use the  
16        capacity of a Federally-owned or State-led storage project  
17        for which the Secretary of the Interior has entered into  
18        an agreement under this section shall be allocated in such  
19        manner as may be mutually agreed on by the Secretary  
20        of the Interior and each other party to the agreement.

21        (e) COMPLIANCE WITH CALIFORNIA WATER  
22        BOND.—

23            (1) CONDITION OF FUNDING.—Federal funding  
24        for construction of State-led storage projects in the  
25        State is conditional on the California Water Com-

1 mission determining that the projects are consistent  
2 with the California Water Quality, Supply, and In-  
3 frastructure Improvement Act, approved by State  
4 voters on November 4, 2014.

5 (2) APPLICABILITY.—The provisions of this sec-  
6 tion shall expire upon the exhaustion of State bond  
7 funds available under the act described in paragraph  
8 (1).

9 (f) PARTNERSHIP AND AGREEMENTS.—The Sec-  
10 retary of the Interior, acting through the Commissioner  
11 of the Bureau of Reclamation, may partner or enter into  
12 an agreement on the water storage projects identified in  
13 section 103(d)(1) of the Water Supply Reliability and En-  
14 vironmental Improvement Act (Public Law 108–361) (and  
15 Acts supplemental and amendatory to the Act) with local  
16 joint powers authorities formed pursuant to State law by  
17 irrigation districts and other local water districts and local  
18 governments within the applicable hydrologic region, to  
19 advance those projects.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be  
22 appropriated to carry out this section \$600,000,000  
23 through fiscal year 2025.

24 (2) REPORT.—Not later than 1 year after the  
25 date of enactment of this Act, the Secretary of the

1 Interior shall submit to the Committee on Energy  
2 and Natural Resources of the Senate and the Com-  
3 mittee on Natural Resources of the House of Rep-  
4 resentatives a report that contains recommendations  
5 of the Secretary of the Interior, if any, regarding  
6 whether additional appropriations are needed to  
7 carry out the purposes of this section, and the  
8 amount of such additional appropriations.

9 (3) ELIGIBILITY.—Only those federally owned  
10 and State-led storage projects which have been de-  
11 termined by the Secretary of the Interior to meet  
12 the eligibility criteria in this section and have been  
13 included in the President’s budget request shall be  
14 eligible for appropriations.

15 (h) SUNSET.—This section shall apply only to Feder-  
16 ally-owned storage projects or State Led Storage Projects  
17 under this section that the Secretary of the Interior finds  
18 feasible prior to January 1, 2021.

19 **SEC. \_\_08. CALFED STORAGE FEASIBILITY STUDIES.**

20 (a) IN GENERAL.—The Secretary of the Interior, act-  
21 ing through the Commissioner of Reclamation, shall—

22 (1) complete the feasibility studies described in  
23 clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of  
24 Public Law 108–361 (118 Stat. 1684) and submit  
25 such studies to the appropriate committees of the

1 House of Representatives and the Senate not later  
2 than December 31, 2015;

3 (2) complete the feasibility study described in  
4 clause (i)(II) of section 103(d)(1)(A) of Public Law  
5 108–361 and submit such study to the appropriate  
6 committees of the House of Representatives and the  
7 Senate not later than November 30, 2016;

8 (3) complete a publicly available draft of the  
9 feasibility study described in clause (ii)(I) of section  
10 103(d)(1)(A) of Public Law 108–361 and submit  
11 such study to the appropriate committees of the  
12 House of Representatives and the Senate not later  
13 than November 30, 2016;

14 (4) complete the feasibility study described in  
15 clause (ii)(I) of section 103(d)(1)(A) of Public Law  
16 108–361 and submit such study to the appropriate  
17 committees of the House of Representatives and the  
18 Senate not later than November 30, 2017;

19 (5) complete the feasibility study described in  
20 section 103(f)(1)(A) of Public Law 108–361 (118  
21 Stat. 1694) and submit such study to the appro-  
22 priate Committees of the House of Representatives  
23 and the Senate not later than December 31, 2017;

24 (6) provide a progress report on the status of  
25 the feasibility studies referred to in paragraphs (1)

1 through (5) to the appropriate committees of the  
2 House of Representatives and the Senate not later  
3 than 90 days after the date of the enactment of this  
4 Act and every 180 days thereafter until December  
5 31, 2017, as applicable, which report shall include  
6 timelines for study completion, draft environmental  
7 impact statements, final environmental impact state-  
8 ments, and records of decision;

9 (7) document, delineate, and publish costs di-  
10 rectly relating to the engineering and construction of  
11 a water storage project identified in paragraph (1)  
12 through (5) separately from the costs resulting from  
13 regulatory compliance or the construction of auxil-  
14 iary facilities necessary to achieve regulatory compli-  
15 ance if the Secretary of the Interior determines in  
16 any feasibility study required under this subsection,  
17 reclamation laws, the Central Valley Project Im-  
18 provement Act (title XXXIV of Public Law 102–  
19 575; 106 Stat. 4706), the Fish and Wildlife Coordi-  
20 nation Act (16 U.S.C. 661 et seq.), the Endangered  
21 Species Act of 1973 (16 U.S.C. 1531 et seq.), and  
22 other applicable law, the project is not feasible;

23 (8) include information require in paragraph  
24 (7) in the feasibility study issued pursuant para-  
25 graph (1) through (5) as applicable; and

1           (9) communicate, coordinate and cooperate with  
2       public water agencies that contract with the United  
3       States for Central Valley Project water and that are  
4       expected to participate in the cost pools that will be  
5       created for the projects proposed in the feasibility  
6       studies under this section.

7       (b) WATER SUPPLY BENEFIT.—The Secretary of the  
8       Interior shall fully take into account the water supply ben-  
9       efit of the Project or related to actions taken pursuant  
10      to section 103(d)(1)(A)(ii)(II) of the Public Law 108–361  
11      in making a determination of feasibility. The RMP and  
12      findings related thereto shall not preclude a determination  
13      of feasibility on the Project by the Secretary of the Inte-  
14      rior.

15      (c) EFFECT OF FINDING OF FEASIBILITY.—If the  
16      Secretary of the Interior finds the Project to be feasible,  
17      the RMP shall not:

18           (1)   impede   any   environmental   reviews,  
19      preconstruction, construction or other activities of  
20      the Project taken by the Secretary of the Interior;  
21      and

22           (2)   prevent the operation of the Project upon  
23      completion.

24      (d) EFFECTIVE DATE.—Effective December 22,  
25      2014, there shall be no Federal reserved water rights to

1 any segment of the San Joaquin River related to the  
2 Project as a result of any designation made under the  
3 Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

4 (e) DEFINITIONS.—For the purposes of subsections  
5 (b), (c), and (d):

6 (1) PROJECT.—The term “Project” means the  
7 Upper San Joaquin River storage project, also  
8 known as the Temperance Flat Reservoir Project on  
9 the Upper San Joaquin River.

10 (2) RMP.—The term “RMP” means the docu-  
11 ment titled “Bakersfield Field Office, Record of De-  
12 cision and Approved Resource Management Plan,”  
13 dated December 2014.

14 (f) TESTIMONY.—If the Secretary of the Interior fails  
15 to provide the feasibility studies described in subsection  
16 (a) to the appropriate committees of the House of Rep-  
17 resentatives and the Senate by the timelines prescribed,  
18 the Secretary of the Interior shall personally testify at  
19 House Committee on Natural Resources or the Senate  
20 Committee on Energy and Natural Resources hearings on  
21 the projects described in subsection (a) upon the invitation  
22 of the applicable committee at the time, location, and man-  
23 ner as specified in the invitation.



1 **SEC. \_\_09. LOSSES CAUSED BY CONSTRUCTION AND OPER-**  
2 **ATION OF WATER STORAGE PROJECTS.**

3 (a) MARINAS, RECREATIONAL FACILITIES, OTHER  
4 BUSINESSES.—If in constructing or operating any new or  
5 modified water storage project under the provisions in-  
6 cluded in title \_\_\_\_ of this Act, the Bureau of Reclamation  
7 destroys or otherwise adversely affects any existing ma-  
8 rina, recreational facility, or other water-dependent busi-  
9 ness when constructing or operating a new or modified  
10 water storage project, the Secretaries of the Interior and  
11 Agriculture, acting through the Bureau and the Forest  
12 Service—

13 (1) provide compensation otherwise required by  
14 law; and

15 (2) provide the owner of the affected marina,  
16 recreational facility, or other water-dependent busi-  
17 ness with the right of first refusal to construct and  
18 operate a replacement marina, recreational facility,  
19 or other water-dependent business, as the case may  
20 be, on Federal land associated with the new or modi-  
21 fied water storage project or on private land owned  
22 or that can be acquired by the owner of the affected  
23 marina, recreational facility, or other water-depend-  
24 ent business.

25 (b) HYDROELECTRIC PROJECTS.—If in constructing  
26 or operating any new or modified water storage project

1 under the provisions included in title \_\_\_\_\_, the Bureau  
2 of Reclamation reduces or eliminates the capacity or gen-  
3 eration of any existing non-Federal hydroelectric project  
4 by inundation or otherwise, the Secretaries of the Interior  
5 and Agriculture, acting through the Bureau and the For-  
6 est Service—

7 (1) provide compensation otherwise required by  
8 law;

9 (2) provide the owner of the affected hydro-  
10 electric project with a right of first refusal to con-  
11 struct, operate, and maintain a new powerhouse and  
12 associated hydroelectric generating facilities at such  
13 new or modified water storage project, on Federal  
14 land associated with the new or modified water stor-  
15 age project or on private land owned or which may  
16 be acquired by the affected hydroelectric project  
17 owner; provided, however, that nothing herein shall  
18 be construed as allowing the owner of the affected  
19 hydroelectric project to install turbine generating  
20 units within any federally owned powerhouse; and

21 (3) reimburse the owner of the affected hydro-  
22 electric project for the actual costs of construction of  
23 any water conveyance facilities, as determined by the  
24 owner in consultation with Bureau of Reclamation,  
25 as are necessary to convey water to any new power-

1 house constructed by the owner in association with  
2 replacement hydroelectric generating facilities.

3 **SEC. \_\_10. ASSISTANCE FOR DROUGHT-STRICKEN COMMU-**  
4 **NITIES.**

5 (a) AMENDMENT.—Section 9504 of the Omnibus  
6 Public Land Management Act of 2009 (42 U.S.C. 10368)  
7 is amended—

8 (1) by redesignating subsections (b) through (e)  
9 as subsections (c) through (f), respectively; and

10 (2) by inserting after subsection (a) the fol-  
11 lowing:

12 “(b) ASSISTANCE FOR DISADVANTAGED COMMU-  
13 NITIES WITHOUT ACCESS TO ADEQUATE WATER.—

14 “(1) IN GENERAL.—To assist disadvantaged  
15 communities that have experienced a significant de-  
16 cline in quantity or quality of drinking water, and to  
17 obtain or maintain adequate quantities of water that  
18 meet the standards set by the Federal Water Pollu-  
19 tion Control Act (33 U.S.C. et seq.), the Secretary  
20 of the Interior is authorized to provide grants for  
21 communities—

22 “(A) that are unable to meet the primary  
23 water quality standards under the Federal  
24 Water Pollution Control Act; or

1           “(B) the local private or public water sup-  
2           ply of which has been lost or severely dimin-  
3           ished due to drought conditions.

4           “(2) ELIGIBLE COMMUNITIES.—Except as pro-  
5           vided in subparagraph (B), to be eligible to receive  
6           a grant under this subsection, a community shall  
7           carry out a project described in paragraph (3), the  
8           service area of which—

9           “(A) shall not be located in any city or  
10          town with a population of more than 60,000  
11          residents; and

12          “(B) has a median household income of  
13          less than 100 percent of the nonmetropolitan  
14          median household income of the State.

15          “(3) ELIGIBLE PROJECTS.—Projects eligible for  
16          this program may be used for—

17               “(A) emergency water supplies;

18               “(B) point of use treatment and point of  
19               entry systems;

20               “(C) distributed treatment facilities;

21               “(D) wastewater treatment;

22               “(E) construction of new water source fa-  
23               cilities, including wells and connections to exist-  
24               ing systems;

25               “(F) water distribution facilities;

1 “(G) connection fees to existing systems;

2 “(H) assistance to households to connect  
3 to water facilities; and

4 “(I) any combination of activities described  
5 in subparagraphs (A) through (H).

6 “(4) PRIORITIZATION.—In determining prior-  
7 ities for funding projects, the Secretary shall take  
8 into consideration—

9 “(A) where water outages—

10 “(i) are most imminent; and

11 “(ii) pose the greatest threat to public  
12 health and safety; and

13 “(B) the access of the applicant to, or abil-  
14 ity to qualify for, alternative funding sources.

15 “(5) MAXIMUM AMOUNT.—The amount of a  
16 grant provided under this section may be made up  
17 to 100 percent of costs, including—

18 “(A) initial operation costs incurred for  
19 start-up and testing of project facilities;

20 “(B) components to ensure such facilities  
21 and components are properly operational; and

22 “(C) costs of operation or maintenance in-  
23 curred subsequent to placing the facilities or  
24 components into service.

1           “(6) NONPROFIT ORGANIZATIONS.—The Sec-  
2       retary may use amounts made available to carry out  
3       this section to provide grants to, or enter into coop-  
4       erative agreements with, nonprofit organizations  
5       that can provide onsite technical assistance, assist-  
6       ance with implementing source water protection  
7       plans, and assistance with implementing monitoring  
8       and maintenance plans.

9           “(7) AUTHORIZATION.—There is authorized to  
10      be appropriated to the Secretary to carry out this  
11      section \$15,000,000 for up to 15 pilot projects to  
12      implement the program under this section.”.

13 **SEC. \_\_11. CONSERVATION FISH HATCHERIES.**

14       (a) EXPANDED USE OF CONSERVATION HATCHERY  
15      PROGRAMS.—Not later than 2 years after the date of the  
16      enactment of this Act, the Secretary of the Interior and  
17      the Secretary of Commerce, in coordination with the Di-  
18      rector of the California Department of Fish and Wildlife,  
19      shall develop and implement as necessary the expanded  
20      use of conservation hatchery programs to enhance, supple-  
21      ment, and rebuild Delta Smelt and Endangered Species  
22      Act-listed fish species under the smelt and salmonid bio-  
23      logical opinions.

24       (b) DESIGN OF PROGRAMS.—The conservation hatch-  
25      ery programs established under subsection (a) and their

1 associated Hatchery and Genetic Management Plans  
2 (HGMPs) shall be designed—

3 (1) to benefit, enhance, support, and otherwise  
4 recover naturally spawning fish species to the point  
5 where the measures provided under the Endangered  
6 Species Act are no longer necessary; and

7 (2) to minimize adverse effects to Central Val-  
8 ley Project and State Water Project operations.

9 (c) IMPLEMENTATION OF PROGRAMS.—In imple-  
10 menting this section, the Secretary of the Interior and the  
11 Secretary of Commerce—

12 (1) shall give priority to existing and prospec-  
13 tive hatchery programs and facilities within the Sac-  
14 ramento-San Joaquin Delta and the riverine tribu-  
15 taries thereto; and

16 (2) may enter into cooperative agreements for  
17 the operation of conservation hatchery programs  
18 with the State, tribes, and other non-governmental  
19 entities for the benefit, enhancement, and support of  
20 naturally spawning fish species.

21 **SEC. \_\_12. NON-FEDERAL PROGRAM TO PROTECT NATIVE**  
22 **ANADROMOUS FISH IN THE STANISLAUS**  
23 **RIVER.**

24 (a) ESTABLISHMENT OF NONNATIVE PREDATOR RE-  
25 SEARCH AND PILOT FISH REMOVAL PROGRAM.—The Sec-

1   retary of Commerce, acting through the Assistant Admin-  
2   istrator of the National Marine Fisheries Service (NMFS),  
3   and the districts, shall jointly develop and conduct a non-  
4   native predator research and pilot fish removal program  
5   to study the effects of removing nonnative striped bass,  
6   smallmouth bass, largemouth bass, black bass, and other  
7   nonnative predator fish species from the Stanislaus River  
8   to benefit native anadromous fish. The program shall—

9           (1) be scientifically based, with research ques-  
10       tions determined jointly by NMFS scientists and dis-  
11       tricts' technical experts;

12          (2) include methods to quantify the number and  
13       size of predator fish removed each year, the impact  
14       of such removal on the overall abundance of pred-  
15       ator fish, and the impact of such removal on the  
16       populations of juvenile anadromous fish found in the  
17       Stanislaus River by, among other things, evaluating  
18       the number of juvenile anadromous fish that migrate  
19       past the rotary screw trap located at Caswell;

20          (3) among other methods, consider using wire  
21       fyke trapping, portable resistance board weirs, and  
22       boat electrofishing;

23          (4) be implemented as quickly as possible; and

24          (5) the pilot program shall be for a duration  
25       not to exceed 5 years.



1       (b) MANAGEMENT.—The management of the pro-  
2 gram shall be the joint responsibility of the Assistant Ad-  
3 ministrator and the districts. Such parties shall work col-  
4 laboratively to ensure the performance of the program,  
5 and shall discuss and agree upon, among other things,  
6 qualified scientists to lead the study and pilot program,  
7 research questions, experimental design, changes in the  
8 structure, management, personnel, techniques, strategy,  
9 data collection and access, reporting, and conduct of the  
10 program, and the need for independent peer review.

11       (c) CONDUCT.—

12           (1) IN GENERAL.—By agreement between the  
13 Assistant Administrator and the districts, the pro-  
14 gram may be conducted by their own personnel,  
15 qualified private contractors hired by the districts,  
16 personnel of, on loan to, or otherwise assigned to the  
17 National Marine Fisheries Service, or a combination  
18 thereof.

19           (2) PARTICIPATION BY THE NATIONAL MARINE  
20 FISHERIES SERVICE.—If the parties elect to conduct  
21 the program using district personnel or qualified pri-  
22 vate contractors hired by them in accordance with  
23 paragraph (1), the Assistant Administrator may as-  
24 sign an employee of, on loan to, or otherwise as-  
25 signed to the National Marine Fisheries Service, to

1 be present for all activities performed in the field.  
2 Such presence shall ensure compliance with the  
3 agreed-upon elements specified in subsection (b).  
4 The districts shall pay the cost of such participation  
5 in accordance with subsection (d).

6 (3) TIMING OF ELECTION.—The districts shall  
7 notify the Assistant Administrator of their election  
8 on or before October 15 of each calendar year of the  
9 program. Such an election shall apply to the work  
10 performed in the subsequent calendar year.

11 (d) FUNDING.—

12 (1) IN GENERAL.—The districts shall be re-  
13 sponsible for 100 percent of the cost of the program.

14 (2) CONTRIBUTED FUNDS.—The Secretary of  
15 Commerce may accept and use contributions of  
16 funds from the districts to carry out activities under  
17 the program.

18 (3) ESTIMATION OF COST.—On or before De-  
19 cember 1 of each year of the program, the Secretary  
20 of Commerce shall submit to the districts an esti-  
21 mate of the cost to be incurred by the National Ma-  
22 rine Fisheries Service for the program in the fol-  
23 lowing calendar year, if any, including the cost of  
24 any data collection and posting under subsection (e).  
25 If an amount equal to the estimate is not provided

1 through contributions pursuant to paragraph (2) be-  
2 fore December 31 of that year—

3 (A) the Secretary of Commerce shall have  
4 no obligation to conduct the program activities  
5 otherwise scheduled for such following calendar  
6 year until such amount is contributed by the  
7 districts; and

8 (B) the districts may not conduct any as-  
9 pect of the program until such amount is con-  
10 tributed by the districts.

11 (4) ACCOUNTING.—On or before September 1  
12 of each year, the Secretary of Commerce shall pro-  
13 vide to the districts an accounting of the costs in-  
14 curred by the Secretary of Commerce for the pro-  
15 gram in the preceding calendar year. If the amount  
16 contributed by the districts pursuant to paragraph  
17 (2) for that year was greater than the costs incurred  
18 by the Secretary of Commerce, the Secretary of  
19 Commerce shall—

20 (A) apply the excess contributions to costs  
21 of activities to be performed by the Secretary of  
22 Commerce under the program, if any, in the  
23 next calendar year; or

1 (B) if no such activities are to be per-  
2 formed, repay the excess contribution to the  
3 districts.

4 (e) POSTING AND EVALUATION.—

5 (1) All data generated through the program, in-  
6 cluding by any private consultants, shall be routinely  
7 provided to NMFS.

8 (2) On or before the 15th day of each month,  
9 the Assistant Administrator shall post on the Inter-  
10 net website of the National Marine Fisheries Service  
11 a tabular summary of the raw data collected under  
12 the program in the preceding month.

13 (3) Upon completion of the pilot program,  
14 NMFS and the districts shall prepare a final report  
15 evaluating the effectiveness of the program and in-  
16 clude recommendations for future research and re-  
17 moval program work.

18 (f) IMPLEMENTATION.—The program is hereby found  
19 to be consistent with the requirements of the Central Val-  
20 ley Project Improvement Act (Public Law 102–575). No  
21 provision, plan or definition established or required by the  
22 Central Valley Project Improvement Act (Public Law  
23 102–575) shall be used to prohibit the imposition of the  
24 program, or to prevent the accomplishment of its goals.

1 (g) TREATMENT OF STRIPED BASS.—For purposes  
2 of the application of the Central Valley Project Improve-  
3 ment Act (title XXXIV of Public Law 102–575) with re-  
4 spect to the program, striped bass shall not be treated as  
5 anadromous fish.

6 (h) DEFINITION.—For the purposes of this section,  
7 the term “districts” means the Oakdale Irrigation District  
8 and the South San Joaquin Irrigation District, California.

9 **SEC. \_13. PILOT PROGRAM TO IMPLEMENT CALFED**  
10 **INVASIVE SPECIES PROGRAM.**

11 (a) IN GENERAL.—Not later than January 1, 2017,  
12 the Secretary of the Interior, in collaboration with the Sec-  
13 retary of Commerce, the Director of the California De-  
14 partment of Fish and Wildlife, and other relevant agencies  
15 and interested parties, shall begin pilot projects to imple-  
16 ment the invasive species control program authorized pur-  
17 suant to section 103(d)(6)(A)(iv) of Public Law 108–361  
18 (118 Stat. 1690).

19 (b) REQUIREMENTS.—The pilot projects shall—

20 (1) seek to reduce invasive aquatic vegetation,  
21 predators, and other competitors which contribute to  
22 the decline of native listed pelagic and anadromous  
23 species that occupy the Sacramento and San Joa-  
24 quin Rivers and their tributaries and the Sac-  
25 ramento-San Joaquin Bay-Delta;

1           (2) remove, reduce, or control the effects of spe-  
2           cies, including Asiatic clams, silversides, gobies, Bra-  
3           zilian water weed, water hyacinth, largemouth bass,  
4           smallmouth bass, striped bass, crappie, bluegill,  
5           white and channel catfish, and brown bullheads; and

6           (3) identify and remove natural and artificial  
7           factors in the Sacramento River and the Sac-  
8           ramento-San Joaquin River Delta watershed that  
9           could be providing favorable predatory fish habitat  
10          for fish that prey on juvenile salmon—

11           (A) collect scientific data at those locations  
12           to determine whether those natural or artificial  
13           factors are contributing to predation of endan-  
14           gered fish; and

15           (B) provide recommendations on whether  
16           those natural or artificial factors that enable  
17           the formation or continuation of predatory fish  
18           habitat could be feasibly and effectively modi-  
19           fied to reduce predation, in compliance with all  
20           applicable State and Federal laws (including  
21           regulations).

22          (c) EMERGENCY ENVIRONMENTAL REVIEWS.—To  
23 expedite the environmentally beneficial programs for the  
24 conservation of threatened and endangered species, the  
25 Secretary of the Interior and the Secretary of Commerce

1 shall consult with the Council on Environmental Quality  
2 in accordance with section 1506.11 of title 40, Code of  
3 Federal Regulations (or successor regulations), to develop  
4 alternative arrangements to comply with the National En-  
5 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
6 for the projects pursuant to subsection (a).

7 **SEC. \_14. ADDITIONAL STORAGE AT NEW MELONES.**

8       The Commissioner of Reclamation is directed to work  
9 with local water and irrigation districts in the Stanislaus  
10 River Basin to ascertain the water storage made available  
11 by the Draft Plan of Operations in New Melones Reservoir  
12 (DRPO) for water conservation programs, conjunctive use  
13 projects, water transfers, rescheduled project water and  
14 other projects to maximize water storage and ensure the  
15 beneficial use of the water resources in the Stanislaus  
16 River Basin. All such programs and projects shall be im-  
17 plemented according to all applicable laws and regulations.  
18 The source of water for any such storage program at New  
19 Melones Reservoir shall be made available under a valid  
20 water right, consistent with the State water transfer  
21 guidelines and any other applicable State water law. The  
22 Commissioner shall inform the Congress within 18 months  
23 setting forth the amount of storage made available by the  
24 DRPO that has been put to use under this program, in-

cluding proposals received by the Commissioner from interested parties for the purpose of this section.

**SEC. 15. REAUTHORIZATION OF DESALINATION ACT.**

(a) AUTHORIZATION OF RESEARCH AND STUDIES.—

Section 3 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by adding at the end the following:

“(e) PRIORITIZATION.—In carrying out this section, the Secretary of the Interior shall prioritize funding for research—

“(1) to reduce energy consumption and lower the cost of seawater and brackish water desalination;

“(2) to reduce the environmental impacts of seawater desalination, including subsurface intakes and other technological improvements, and develop technology and strategies to mitigate those impacts;

“(3) to improve existing reverse osmosis and membrane technology;

“(4) to carry out basic and applied research on next generation desalination technologies, including graphene membranes, forward osmosis, hybrid membrane-thermal desalination, improved energy recovery systems, and renewable energy-powered desalination systems that could significantly reduce desalination costs;



1 “(5) to develop portable or modular desalina-  
2 tion units capable of providing temporary emergency  
3 water supplies for domestic or military deployment  
4 purposes; and

5 “(6) for development of desalination siting  
6 plans, including maps of preferred and priority loca-  
7 tions, by States that consider local and regional  
8 water supply needs and sources, potential impacts  
9 on coastal and ocean resources and fisheries, the ef-  
10 fects of sea level rise and other factors that affect  
11 project siting.”.

12 (b) DESALINATION DEMONSTRATION AND DEVELOP-  
13 MENT.—Section 4(a) of the Water Desalination Act of  
14 1996 (42 U.S.C. 10301 note; Public Law 104–298) is  
15 amended by redesignating paragraphs (2), (3), and (4) as  
16 paragraphs (3), (4), and (5) and by inserting the fol-  
17 lowing:

18 “(2) FEASIBILITY AND DESIGN.—Award grants  
19 and enter into contracts with non-Federal project  
20 sponsors to provide financial assistance to study the  
21 feasibility and support the design of desalination fa-  
22 cilities (including associated water distribution infra-  
23 structure) that provide usable water.”.

24 (c) DESALINATION DEMONSTRATION AND DEVELOP-  
25 MENT.—Section 4 of the Water Desalination Act of 1996

1 (42 U.S.C. 10301 note; Public Law 104–298) is amended  
2 by adding at the end:

3 “(c) PRIORITIZATION.—In carrying out demonstra-  
4 tion and development activities under section (a), the Sec-  
5 retary shall prioritize projects—

6 “(1) in drought-stricken States and commu-  
7 nities;

8 “(2) in States where funding has been author-  
9 ized for desalination demonstration and development  
10 projects;

11 “(3) that can reduce reliance on imported water  
12 supplies that have an impact on species listed under  
13 the Endangered Species Act of 1973 (16 U.S.C.  
14 1531 et seq.).

15 “(d) CRITERIA FOR ELIGIBILITY.—In carrying out  
16 this subsection, the Administrator shall establish criteria  
17 to determine projects eligible for grant funding based on  
18 the ability of the projects to provide regional water supply  
19 benefits, including—

20 “(1) improving water supply reliability in re-  
21 gions subject to frequent and severe drought;

22 “(2) enhancement of public health, safety, eco-  
23 systems, and watershed sustainability;

24 “(3) preservation of groundwater through re-  
25 duction of withdrawals from aquifers;

1           “(4) offsetting demand for water conveyed from  
2           environmentally sensitive areas outside service area  
3           of the project; and

4           “(5) mitigation of saltwater intrusion to  
5           aquifers.”.

6           (d) COST SHARING.—Section 7 of the Water Desali-  
7           nation Act of 1996 (42 U.S.C. 10301 note; Public Law  
8           104–298) is amended by adding at the end:

9           “(2) EXCEPTION.—The Federal share for  
10          project design under section 4 shall not exceed 25  
11          percent of the cost of project design.”.

12          (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
13          8 of the Water Desalination Act of 1996 (42 U.S.C. 10301  
14          note; Public Law 104–298) is amended—

15               (1) in subsection (a), in the first sentence—

16                       (A) by striking “\$5,000,000” and inserting  
17                       “\$10,000,000”; and

18                       (B) by striking “2013” and inserting  
19                       “2020”; and

20               (2) in subsection (b), by striking “for each of  
21          fiscal years 2012 through 2013” and inserting  
22          “\$50,000,000 for fiscal years 2016 through 2020”.

23          (f) CONSULTATION.—Section 9 of the Water Desali-  
24          nation Act of 1996 (42 U.S.C. 10301 note; Public Law  
25          104–298) is amended by striking the section designation

1 and heading and all that follows through “In carrying  
2 out” in the first sentence and inserting the following:

3 **“SEC. 9. CONSULTATION AND COORDINATION.**

4 “(a) CONSULTATION.—In carrying out”;

5 (2) in the second sentence, by striking “The au-  
6 thorization” and inserting the following:

7 “(b) OTHER DESALINATION PROGRAMS.—The au-  
8 thorization”; and

9 (3) by inserting after subsection (a) (as des-  
10 ignated by paragraph (1)) the following:

11 “(c) COORDINATION OF FEDERAL DESALINATION  
12 RESEARCH AND DEVELOPMENT.—The White House Of-  
13 fice of Science and Technology Policy shall develop a co-  
14 ordinated strategic plan that—

15 “(1) establishes priorities for future Federal in-  
16 vestments in desalination; and

17 “(2) coordinates the activities of Federal agen-  
18 cies involved in desalination, including the Bureau of  
19 Reclamation, the National Science Foundation, the  
20 Office of Naval Research of the Department of De-  
21 fense, the National Laboratories of the Department  
22 of Energy, the United States Geological Survey, the  
23 Environmental Protection Agency, and the National  
24 Oceanic and Atmospheric Administration.

1   **“SEC. 10. ACCOUNTABILITY.**

2           “(a) EVALUATION OF FEDERAL DESALINATION IN-  
3   VESTMENTS.—Not later than 12 months prior to the expi-  
4   ration of this Act, the Secretary shall provide a report to  
5   the Committee on Natural Resources of the House of Rep-  
6   resentatives and the Committee on Energy and Natural  
7   Resources of the Senate detailing the activities, expendi-  
8   tures and results of research and projects authorized to  
9   receive Federal funding by this Act, including potential  
10  and actual—

11           “(1) increases in annual water supplies;

12           “(2) increases in annual water yields;

13           “(3) advances in water desalination technology  
14   and infrastructure improvements;

15           “(4) advances in reducing desalinated water en-  
16   ergy consumption, costs, and environmental impacts;  
17   and

18           “(5) improvements in the coordination and im-  
19   plementation of Federal desalination investments.

20           “(b) RECOMMENDATION.—Within the report, the  
21   Secretary shall recommend reauthorization or expiration  
22   of the Act based on the results identified in subsection  
23   (a).”.

1 **SEC. \_\_16. NEW WATER RECYCLING AND REUSE PROJECTS.**

2 Section 1602 of the Reclamation Wastewater and  
3 Groundwater Study and Facilities Act (43 U.S.C. 390h)  
4 is amended by adding at the end the following:

5 “(e) **AUTHORIZATION OF NEW WATER RECYCLING**  
6 **AND REUSE PROJECTS.—**

7 “(1) **IN GENERAL.—**A non-Federal interest may  
8 submit to the Secretary proposals for eligible  
9 projects in the form of completed feasibility studies.

10 “(2) **ELIGIBLE PROJECTS.—**A project shall be  
11 considered eligible for consideration under this sub-  
12 section if the project reclaims and reuses—

13 “(A) municipal, industrial, domestic, or ag-  
14 ricultural wastewater; or

15 “(B) impaired ground or surface waters.

16 “(3) **GUIDELINES.—**

17 “(A) **IN GENERAL.—**Not later than 90  
18 days after the date of enactment of this sub-  
19 section, the Secretary shall issue water recy-  
20 cling project solicitation and evaluation guide-  
21 lines that include the criteria listed in sub-  
22 section (f)(2).

23 “(B) **REVIEW.—**The Secretary shall review  
24 each feasibility study received under paragraph  
25 (1) for the purpose of determining whether the  
26 study, and the process under which the study

1 was developed, comply with Federal laws and  
2 regulations applicable to feasibility studies of  
3 water recycling and reuse projects.

4 “(f) COMPETITIVE GRANT FUNDING OF WATER RE-  
5 CYCLING AND REUSE PROJECTS.—

6 “(1) ESTABLISHMENT.—The Secretary shall es-  
7 tablish a competitive grant program under which the  
8 non-Federal project sponsor of any project deter-  
9 mined by the Secretary to be feasible under sub-  
10 section (e)(2) shall be eligible to apply for funding  
11 for the planning, design, and construction of the  
12 project.

13 “(2) PRIORITY.—When funding projects under  
14 paragraph (1), the Secretary shall give funding pri-  
15 ority to projects that meet 1 or more of the criteria  
16 listed in paragraph (3) and are located in an area  
17 that at any time in the 10-year period before such  
18 funds are made available—

19 “(A) has been identified by the United  
20 States Drought Monitor as experiencing severe,  
21 extreme, or exceptional drought; or

22 “(B) was designated as a disaster area by  
23 a State.

24 “(3) CRITERIA.—The project criteria referred  
25 to in paragraph (2) are as follows:

1 “(A) Projects that are likely—

2 “(i) to provide a more reliable water  
3 supply; and

4 “(ii) to protect, restore, or enhance  
5 aquatic ecosystems including estuaries,  
6 groundwater basins, and rivers and  
7 streams and tributaries.

8 “(B) Projects that are likely to increase  
9 water management flexibility and reduce im-  
10 pacts on environmental resources.

11 “(C) Projects that are regional in scale or  
12 are included in integrated regional water man-  
13 agement plans.

14 “(D) Projects that use integrated and co-  
15 ordinated water management on a watershed or  
16 regional scale.

17 “(E) Projects that provide multiple bene-  
18 fits, including improved water supply reliability  
19 for urban and agricultural water users, eco-  
20 system benefits, such as benefits to fisheries,  
21 wildlife and habitat, water quality, groundwater  
22 management, and water quality improvements.

23 “(F) Projects for which a feasibility study  
24 has been completed and any necessary environ-  
25 mental or public reviews have been initiated.



1 “(4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-  
3 retary to carry out this subsection \$200,000,000  
4 through fiscal year 2020.”.

5 **SEC. \_\_17. ACCELERATED REVENUE AND REPAYMENT.**

6 (a) SHORT TITLE.—This section may be cited as the  
7 “Accelerated Revenue and Repayment Act”.

8 (b) PREPAYMENT OF CERTAIN REPAYMENT CON-  
9 TRACTS BETWEEN THE UNITED STATES AND CONTRAC-  
10 TORS OF FEDERALLY DEVELOPED WATER SUPPLIES.—

11 (1) CONVERSION.—Upon request of the con-  
12 tractor, the Secretary of the Interior shall convert  
13 any water service contract in effect on the date of  
14 enactment of this Act and between the United  
15 States and a water users’ association to allow for  
16 prepayment of the repayment contract pursuant to  
17 paragraph (2) under mutually agreeable terms and  
18 conditions. The manner of conversion under this  
19 paragraph shall be as follows:

20 (A) Water service contracts that were en-  
21 tered into under section 9(e) of the Act of Au-  
22 gust 4, 1939 (53 Stat. 1196), to be converted  
23 under this section shall be converted to repay-  
24 ment contracts under section 9(d) of that Act  
25 (53 Stat. 1195).

1 (B) Water service contracts that were en-  
2 tered under subsection (c)(2) of section 9 of the  
3 Act of August 4, 1939 (53 Stat. 1194), to be  
4 converted under this section shall be converted  
5 to a contract under subsection (c)(1) of section  
6 9 of that Act (53 Stat. 1195).

7 (2) PREPAYMENT.—Except for those repayment  
8 contracts under which the contractor has previously  
9 negotiated for prepayment, all repayment contracts  
10 under section 9(d) of that Act (53 Stat. 1195) in ef-  
11 fect on the date of enactment of this Act at the re-  
12 quest of the contractor, and all contracts converted  
13 pursuant to paragraph (1)(A) shall include provi-  
14 sions that provide for the following:

15 (A) Repayment, either in lump sum or by  
16 accelerated prepayment, of the remaining con-  
17 struction costs identified in water project spe-  
18 cific irrigation rate repayment schedules, as ad-  
19 justed to reflect payment not reflected in such  
20 schedule, and properly assignable for ultimate  
21 return by the contractor, or if made in approxi-  
22 mately equal installments, no later than 3 years  
23 after the effective date of the repayment con-  
24 tract, such amount to be discounted by  $\frac{1}{2}$  the  
25 Treasury rate. An estimate of the remaining

1 construction costs, as adjusted, shall be pro-  
2 vided by the Secretary of the Interior to the  
3 contractor no later than 90 days following re-  
4 ceipt of request of the contractor.

5 (B) Require that construction costs or  
6 other capitalized costs incurred after the effec-  
7 tive date of the contract or not reflected in the  
8 rate schedule referenced in subparagraph (A),  
9 and properly assignable to such contractor shall  
10 be repaid in not more than 5 years after notifi-  
11 cation of the allocation if such amount is a re-  
12 sult of a collective annual allocation of capital  
13 costs to the contractors exercising contract con-  
14 versation under this subsection of less than  
15 \$5,000,000. If such amount is \$5,000,000 or  
16 greater, such cost shall be repaid as provided by  
17 applicable reclamation law.

18 (C) Require that power revenues shall not  
19 be available to aid in repayment of construction  
20 costs allocated to irrigation under the contract.

21 (D) Continuation so long as the contractor  
22 pays applicable charges, consistent with section  
23 9(d) of the Act of August 4, 1939 (53 Stat.  
24 1195), and applicable law.

1           (3) CONTRACT REQUIREMENTS.—Except for  
2       those repayment contracts under which the con-  
3       tractor has previously negotiated for prepayment,  
4       the following shall apply with regard to all repay-  
5       ment contracts under subsection (c)(1) of section 9  
6       of that Act (53 Stat. 1195) in effect on the date of  
7       the enactment of this Act at the request of the con-  
8       tractor, and all contracts converted pursuant to  
9       paragraph (1)(B):

10           (A) Provide for the repayment in lump  
11       sum of the remaining construction costs identi-  
12       fied in water project specific municipal and in-  
13       dustrial rate repayment schedules, as adjusted  
14       to reflect payments not reflected in such sched-  
15       ule, and properly assignable for ultimate return  
16       by the contractor. An estimate of the remaining  
17       construction costs, as adjusted, shall be pro-  
18       vided by the Secretary of the Interior to the  
19       contractor no later than 90 days after receipt of  
20       request of contractor.

21           (B) The contract shall require that con-  
22       struction costs or other capitalized costs in-  
23       curred after the effective date of the contract or  
24       not reflected in the rate schedule referenced in  
25       subparagraph (A), and properly assignable to

1 such contractor, shall be repaid in not more  
2 than 5 years after notification of the allocation  
3 if such amount is a result of a collective annual  
4 allocation of capital costs to the contractors ex-  
5 ercising contract conversation under this sub-  
6 section of less than \$5,000,000. If such amount  
7 is \$5,000,000 or greater, such cost shall be re-  
8 paid as provided by applicable reclamation law.

9 (C) Continue so long as the contractor  
10 pays applicable charges, consistent with section  
11 9(e)(1) of the Act of August 4, 1939 (53 Stat.  
12 1195), and applicable law.

13 (4) CONDITIONS.—All contracts entered into  
14 pursuant to paragraphs (1), (2), and (3) shall—

15 (A) not be adjusted on the basis of the  
16 type of prepayment financing used by the water  
17 users' association;

18 (B) conform to any other agreements, such  
19 as applicable settlement agreements and new  
20 constructed appurtenant facilities; and

21 (C) not modify other water service, repay-  
22 ment, exchange and transfer contractual rights  
23 between the water users' association, and the  
24 Bureau of Reclamation, or any rights, obliga-  
25 tions, or relationships of the water users' asso-

1            ciation and their landowners as provided under  
2            State law.

3            (c) ACCOUNTING.—The amounts paid pursuant to  
4 subsection (a) shall be subject to adjustment following a  
5 final cost allocation by the Secretary of the Interior. In  
6 the event that the final cost allocation indicates that the  
7 costs properly assignable to the contractor are greater  
8 than what has been paid by the contractor, the contractor  
9 shall be obligated to pay the remaining allocated costs.  
10 The term of such additional repayment contract shall be  
11 not less than one year and not more than 10 years, how-  
12 ever, mutually agreeable provisions regarding the rate of  
13 repayment of such amount may be developed by the par-  
14 ties. In the event that the final cost allocation indicates  
15 that the costs properly assignable to the contractor are  
16 less than what the contractor has paid, the Secretary of  
17 the Interior shall credit such overpayment as an offset  
18 against any outstanding or future obligation of the con-  
19 tractor.

20            (d) APPLICABILITY OF CERTAIN PROVISIONS.—

21            (1) EFFECT OF EXISTING LAW.—Upon a con-  
22 tractor's compliance with and discharge of the obli-  
23 gation of repayment of the construction costs pursu-  
24 ant to a contract entered into pursuant to subsection  
25 (a)(2)(A), subsections (a) and (b) of section 213 of

1 the Reclamation Reform Act of 1982 (96 Stat.  
2 1269) shall apply to affected lands.

3 (2) EFFECT OF OTHER OBLIGATIONS.—The ob-  
4 ligation of a contractor to repay construction costs  
5 or other capitalized costs described in subsection  
6 (a)(2)(B), (a)(3)(B), or (b) shall not affect a con-  
7 tractor's status as having repaid all of the construc-  
8 tion costs assignable to the contractor or the appli-  
9 cability of subsections (a) and (b) of section 213 of  
10 the Reclamation Reform Act of 1982 (96 Stat.  
11 1269) once the amount required to be paid by the  
12 contractor under the repayment contract entered  
13 into pursuant to subsection (a)(2)(A) have been  
14 paid.

15 (e) EFFECT ON EXISTING LAW NOT ALTERED.—Im-  
16 plementation of the provisions of this section shall not  
17 alter—

18 (1) the repayment obligation of any water serv-  
19 ice or repayment contractor receiving water from the  
20 same water project, or shift any costs that would  
21 otherwise have been properly assignable to the water  
22 users' association identified in subsections (a)(1),  
23 (a)(2), and (a)(3) absent this section, including op-  
24 eration and maintenance costs, construction costs, or

1 other capitalized costs incurred after the date of the  
2 enactment of this Act, or to other contractors; and

3 (2) specific requirements for the disposition of  
4 amounts received as repayments by the Secretary of  
5 the Interior under the Act of June 17, 1902 (32  
6 Stat. 388, chapter 1093), and Acts supplemental to  
7 and amendatory of that Act (43 U.S.C. 371 et seq.).

8 (f) DEFINITIONS.—For the purposes of this section,  
9 the following definitions apply:

10 (1) ACCOUNT.—The term “Account” means the  
11 Reclamation Surface Water Storage Account estab-  
12 lished under subsection (e)(2).

13 (2) CONSTRUCTION.—The term “construction”  
14 means the designing, materials engineering and test-  
15 ing, surveying, and building of surface water storage  
16 including additions to existing surface water storage  
17 and construction of new surface water storage facili-  
18 ties, exclusive of any Federal statutory or regulatory  
19 obligations relating to any permit, review, approval,  
20 or other such requirement.

21 (3) SURFACE WATER STORAGE.—The term  
22 “surface water storage” means any federally owned  
23 facility under the jurisdiction of the Bureau of Rec-  
24 lamation or any non-Federal facility used for the  
25 surface storage and supply of water resources.



1           (4) TREASURY RATE.—The term “Treasury  
2       rate” means the 20-year Constant Maturity Treas-  
3       ury (CMT) rate published by the United States De-  
4       partment of the Treasury existing on the effective  
5       date of the contract.

6           (5) WATER USERS’ ASSOCIATION.—The term  
7       “water users’ association” means—

8           (A) an entity organized and recognized  
9       under State laws that is eligible to enter into  
10      contracts with reclamation to receive contract  
11      water for delivery to and users of the water and  
12      to pay applicable charges; and

13          (B) includes a variety of entities with dif-  
14      ferent names and differing functions, such as  
15      associations, conservatory district, irrigation  
16      district, municipality, and water project con-  
17      tract unit.

18 **SEC. \_\_18. DEAUTHORIZATION OF INACTIVE PROJECTS.**

19       (a) PURPOSES; DEFINITIONS.—

20           (1) PURPOSES.—The purposes of this section  
21      are—

22           (A) to identify \$250,000,000 in Bureau of  
23      Reclamation projects and programs that are no  
24      longer feasible due to—

25           (i) a lack of local support;

1 (ii) a lack of available Federal or non-  
2 Federal resources; or

3 (iii) an authorized purpose that is no  
4 longer relevant or feasible;

5 (B) to establish an efficient and trans-  
6 parent process for deauthorizing Bureau of  
7 Reclamation projects and programs that have  
8 failed to receive a minimum level of investment,  
9 thereby ensuring active projects can move for-  
10 ward while reducing the backlog of authorized  
11 projects;

12 (C) to create an expedited and definitive  
13 process to deauthorize Reclamation projects and  
14 programs;

15 (D) to allow the continued authorization of  
16 programs and projects that are feasible; and

17 (E) to establish a process for identifying  
18 authorized Bureau of Reclamation projects and  
19 programs that are no longer—

20 (i) in the Federal interest; or

21 (ii) feasible.

22 (2) DEFINITIONS.—In this section:

23 (A) SECRETARY.—The term “Secretary”  
24 means the Secretary of the Interior.

1 (B) RECLAMATION PROJECT OR PRO-  
2 GRAM.—The term “Reclamation project and  
3 program” includes any project or program that  
4 is administered by the Bureau of Reclamation.

5 (b) COMPREHENSIVE REPORTS.—

6 (1) MINIMUM FUNDING LIST.—Not later than  
7 180 days after the date of the enactment of this Act,  
8 the Secretary shall submit to the Committee on En-  
9 ergy and Natural Resources of the Senate and the  
10 Committee on Natural Resources of the House of  
11 Representatives, and make available on a publicly  
12 accessible Internet website in a manner that is  
13 downloadable, searchable, and sortable, a list of—

14 (A) reclamation programs that are author-  
15 ized and for which funding was obligated dur-  
16 ing the current fiscal year or any of the pre-  
17 ceding 5 fiscal years;

18 (B) projects or separable elements of  
19 projects authorized for construction for which  
20 funding has been obligated during the current  
21 fiscal year or any of the 5 preceding fiscal  
22 years; and

23 (C) for each project or element of a project  
24 listed pursuant to subparagraph (B)—

1 (i) the amount of funding obligated  
2 for each such project or separable element  
3 per fiscal year;

4 (ii) the current phase of each such  
5 project or separable element; and

6 (iii) the amount required to complete  
7 the current phase of each such project or  
8 separable element.

9 (2) BACKLOG REPORT.—With the report re-  
10 quired under paragraph (1), the Secretary shall sub-  
11 mit to the Committee on Energy and Natural Re-  
12 sources of the Senate and the Committee on Natural  
13 Resources of the House of Representatives, and  
14 make available on a publicly accessible Internet  
15 website in a manner that is downloadable, search-  
16 able, and sortable, a list of—

17 (A) programs that are authorized and for  
18 which funding was not obligated during the cur-  
19 rent fiscal year or any of the preceding 5 fiscal  
20 years;

21 (B) projects or separable elements that are  
22 authorized for construction but have not been  
23 completed; and

24 (C) for each project or separable element  
25 listed pursuant to subparagraph (B)—

1 (i) the date of authorization of the  
2 project or separable element, including any  
3 subsequent modifications to the original  
4 authorization;

5 (ii) the original budget authority for  
6 the project or separable element;

7 (iii) a brief description of the project  
8 or separable element;

9 (iv) the estimated date of completion  
10 of the project or separable element;

11 (v) the estimated cost of completion of  
12 the project or separable element; and

13 (vi) any amounts appropriated for the  
14 project or separable element that remain  
15 unobligated.

16 (c) INTERIM DEAUTHORIZATION LIST.—

17 (1) IN GENERAL.—The Secretary shall develop  
18 an interim deauthorization list that identifies each  
19 Reclamation program or project, or separable ele-  
20 ment of a program or project, authorized 5 years  
21 prior to enactment of this Act, for which Federal  
22 and non-Federal funding was obligated to before the  
23 date of the enactment of this Act, but for which no  
24 Federal or non-Federal funds were obligated for con-  
25 struction of the program, project, or separable ele-

1       ment of the program or project during the current  
2       fiscal year or any of the 5 preceding fiscal years.

3           (2) SPECIAL RULE FOR PROJECTS RECEIVING  
4       FUNDS FOR POST-AUTHORIZATION STUDY.—A  
5       project or separable element of a project may not be  
6       identified on the interim deauthorization list, or the  
7       final deauthorization list developed under subsection  
8       (d), if the project or separable element received Fed-  
9       eral funding for a post-authorization study during  
10      the current fiscal year or any of the 5 preceding fis-  
11      cal years.

12          (3) PUBLIC COMMENT AND CONSULTATION.—  
13      The Secretary shall solicit comments from the public  
14      and the Governors of each applicable State on the  
15      interim deauthorization list developed under para-  
16      graph (1). The public comment period shall be 90  
17      days.

18          (4) SUBMISSION TO CONGRESS; PUBLICA-  
19      TION.—Not later than 90 days after the date of the  
20      submission of the list required by subsection (b), the  
21      Secretary shall—

22            (A) submit the interim deauthorization list  
23            to the Committee on Energy and Natural Re-  
24            sources of the Senate and the Committee on

1 Natural Resources of the House of Representa-  
2 tives; and

3 (B) publish the interim deauthorization list  
4 in the Federal Register.

5 (d) FINAL DEAUTHORIZATION LIST.—

6 (1) IN GENERAL.—The Secretary shall develop  
7 a final deauthorization list of each Reclamation pro-  
8 gram or project, or separable element of a program  
9 or project, described in subsection (c)(1) that is  
10 identified pursuant to this subsection.

11 (2) DEAUTHORIZATION AMOUNT.—The Sec-  
12 retary shall include on the final deauthorization list  
13 projects and separable elements of projects that  
14 have, in the aggregate, an estimated Federal cost to  
15 complete that is at least \$250,000,000.

16 (3) IDENTIFICATION OF PROJECTS.—

17 (A) SEQUENCING OF PROJECTS.—

18 (i) IN GENERAL.—The Secretary shall  
19 identify projects and separable elements of  
20 projects for inclusion on the final de-  
21 authorization list according to the order in  
22 which the projects and separable elements  
23 of the projects were authorized, beginning  
24 with the earliest authorized projects and  
25 separable elements of projects and ending

1           once the last project or separable element  
2           of a project necessary to meet the aggregate  
3           amount under paragraph (2) is identified.  
4           fied.

5                   (ii) FACTORS TO CONSIDER.—The  
6           Secretary may identify programs, projects,  
7           and separable elements of programs and  
8           projects for exclusion from the final de-  
9           authorization list if the Secretary deter-  
10          mines, on a case-by-case basis, that a  
11          project or separable element of a project is  
12          critical for interests of the United States,  
13          based on the possible impact of the project  
14          or separable element of the project on pub-  
15          lic health and safety, the national economy,  
16          or the environment.

17                   (iii) CONSIDERATION OF PUBLIC COM-  
18          MENTS.—In making determinations under  
19          clauses (i) and (ii), the Secretary shall con-  
20          sider any comments received under sub-  
21          section (c)(3).

22                   (B) APPENDIX.—The Secretary shall in-  
23          clude as part of the final deauthorization list an  
24          appendix that—



1 (i) identifies each program, project,  
2 and separable element of a program or  
3 project on the interim deauthorization list  
4 developed under subsection (c) that is not  
5 included on the final deauthorization list;  
6 and

7 (ii) describes the reasons why the pro-  
8 gram, project, or separable element is not  
9 included.

10 (3) SUBMISSION TO CONGRESS; PUBLICA-  
11 TION.—Not later than 120 days after the date on  
12 which the public comment period under subsection  
13 (c)(3) expires, the Secretary shall—

14 (A) submit the final deauthorization list  
15 and the appendix to the final deauthorization  
16 list to the Committee on Energy and Natural  
17 Resources of the Senate and the Committee on  
18 Natural Resources of the House of Representa-  
19 tives; and

20 (B) publish the final deauthorization list  
21 and the appendix to the final deauthorization  
22 list in the Federal Register.

23 (e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

24 (1) IN GENERAL.—Subject to paragraph (2),  
25 after the date that is 180 days after the date of sub-

1 mission of the final deauthorization report under  
2 subsection (d), a program, project, or separable ele-  
3 ment of a program or project identified in the report  
4 is deauthorized, unless Congress passes a joint reso-  
5 lution disapproving the final deauthorization report  
6 prior to the end of that period.

7 (2) NON-FEDERAL CONTRIBUTIONS.—A pro-  
8 gram, project, or separable element of a program or  
9 project identified in the final deauthorization report  
10 under subsection (d) shall not be deauthorized under  
11 this subsection if, before the expiration of the 180-  
12 day period referred to in paragraph (1), the non-  
13 Federal interest of the program, project, or sepa-  
14 rable element of the project provides sufficient funds  
15 to complete the program, project, or separable ele-  
16 ment of the project.

17 (f) TREATMENT OF PROJECT MODIFICATIONS.—For  
18 purposes of this section, if an authorized water resources  
19 development program, project, or separable element of the  
20 program or project has been modified by an Act of Con-  
21 gress, the date of authorization of the program, project,  
22 or separable element shall be deemed to be the date of  
23 the most recent modification.

1 (g) EXEMPTION.—This subsection shall not apply to  
2 any project that would yield more than 200,000 acre feet  
3 of water per year on average.

4 **SEC. \_\_19. COMPLIANCE WITH THE ENDANGERED SPECIES**  
5 **ACT.**

6 (a) IN GENERAL.—Nothing in this title shall amend  
7 or otherwise modify the Endangered Species Act of 1973  
8 (16 U.S.C. 1536 et seq.).

9 (b) IDENTIFICATION OF CERTAIN CHANGES.—In im-  
10 plementing this title, the Secretary of the Interior and the  
11 Secretary of Commerce shall, consistent with applicable  
12 laws (including regulations), use all available scientific  
13 tools to identify any changes to real-time operations of the  
14 Bureau of Reclamation, State, and local water projects  
15 that could result in the availability of additional water  
16 supplies.

17 **SEC. \_\_20. SUNSET.**

18 The provisions of this Act shall expire as follows:

19 (1) Section \_\_02, section \_\_03, section \_\_04,  
20 section \_\_05, section \_\_06, section \_\_\_\_9, section  
21 \_\_10, section \_\_11, and section \_\_13 shall expire 5  
22 years after the date of the enactment of this Act.

23 (2) Section \_\_07 shall apply only to federally  
24 owned storage projects or State Led Storage

- 1 Projects under this section that the Secretary of the
- 2 Interior finds feasible prior to January 1, 2021.