

113TH CONGRESS
2^D SESSION

H. R. 4300

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2014

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sacramento Valley
5 Water Storage and Restoration Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The State of California and much of the
2 West are experiencing one of the driest years on
3 record, exacerbating water supply problems caused
4 by a lack of surface water storage infrastructure.
5 The drought conditions have caused reductions in
6 water supplies to almost all water users in the State.

7 (2) The Sites Project has been identified by the
8 State of California and the Federal Government as
9 an important component to integrated water man-
10 agement in the Sacramento Valley that would ad-
11 vance the co-equal objectives of improving water
12 management and restoring ecological health for ben-
13 efitial uses of the Sacramento-San Joaquin Delta
14 and the Sacramento River watershed.

15 (3) Among other things, the Sites Project
16 would—

17 (A) increase surface water storage to en-
18 hance water management flexibility in the Sac-
19 ramento Valley;

20 (B) provide flood control benefits;

21 (C) improve conditions for fish, waterfowl,
22 and wildlife in the Sacramento Valley, including
23 anadromous fish in the Sacramento River; and

24 (D) improve the operation of the State's
25 water system to provide improvements in eco-

1 system and water quality conditions in the Bay-
2 Delta while providing a more reliable water sup-
3 ply for the State of California.

4 (4) The Sites Project has been shown to provide
5 approximately 1,300,000 of additional yield when
6 the Sites Project is integrated into the operations of
7 other State and Federal reservoirs upstream of the
8 Bay-Delta.

9 (5) Healthy wetlands are of vital importance to
10 wildlife in California and require a reliable supply of
11 water, and additional surface water storage can help
12 meet water supply goals under the Central Valley
13 Project Improvement Act.

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

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (2) COMMISSIONER.—The term “Commis-
4 sioner” means the Commissioner of the Bureau of
5 Reclamation.

6 (3) BUREAU.—The term “Bureau” means the
7 Bureau of Reclamation.

8 (4) AUTHORITY.—The term “Authority” means
9 the Sites Project Authority that entered into a Joint
10 Powers Agreement on August 26, 2010, for the pur-
11 pose of advancing the Sites Project as a non-Federal
12 facility and includes Glenn-Colusa Irrigation Dis-
13 trict, Reclamation District 108, the Tehama-Colusa
14 Canal Authority, Maxwell Irrigation District, the
15 County of Glenn, the County of Colusa and Yolo
16 County Flood Control and Water Conservation Dis-
17 trict.

18 (5) SITES PROJECT.—The term “Sites Project”
19 means the Sites Reservoir in Glenn and Colusa
20 Counties, California, and related facilities, including
21 associated water conveyance and hydropower genera-
22 tion and transmission facilities.

23 (6) STATE.—The term “State” means the State
24 of California.

1 (7) CENTRAL VALLEY PROJECT.—The term
2 “Central Valley Project” means all Federal reclama-
3 tion projects located within or diverting water from
4 or to the watershed of the Sacramento and San Joa-
5 quin rivers and their tributaries as authorized by the
6 Act of August 26, 1937 (50 Stat. 850), and all Acts
7 amendatory or supplemental thereto, including but
8 not limited to the Act of October 17, 1940 (54 Stat.
9 1198, 1199), Act of December 22, 1944 (58 Stat.
10 887), Act of October 14, 1949 (63 Stat. 852), Act
11 of September 26, 1950 (64 Stat. 1036), Act of Au-
12 gust 27, 1954 (68 Stat. 879), Act of August 12,
13 1955 (69 Stat. 719), Act of June 3, 1960 (74 Stat.
14 156), Act of October 23, 1962 (76 Stat. 1173), Act
15 of September 2, 1965 (79 Stat. 615), Act of August
16 19, 1967 (81 Stat. 167), Act of August 27, 1967
17 (81 Stat. 173), Act of October 23, 1970 (84 Stat.
18 1097), Act of September 28, 1976 (90 Stat. 1324)
19 and Act of October 27, 1986 (100 Stat. 3050).

20 (8) REPAYMENT AND WATER SERVICE CON-
21 TRACTS.—The terms “repayment contract” and
22 “water service contract” have the same meaning as
23 provided in sections 9(d) and 9(e) of the Reclama-
24 tion Project Act of 1939 (53 Stat. 1187, 1195), as
25 amended.

1 **SEC. 4. FEASIBILITY STUDY AND ENVIRONMENTAL IMPACT**
2 **STATEMENT.**

3 (a) **FEASIBILITY STUDY.**—No later than June 30,
4 2015, the Secretary, acting through the Bureau, shall fi-
5 nalize and publish in the Federal Register, the feasibility
6 study authorized in section 103(d)(1)(i)(II) of title I of
7 Public Law 108–361.

8 (b) **ENVIRONMENTAL IMPACT STATEMENT AND EN-**
9 **VIRONMENTAL IMPACT REPORT.**—No later than June 30,
10 2015, the Secretary shall work with the Secretary of Com-
11 merce, the Army Corps of Engineers and the Environ-
12 mental Protection Agency Administrator to coordinate the
13 efforts of the relevant agencies and work with the State,
14 the Authority, and other stakeholders to complete and
15 issue the final joint environmental impact statement and
16 environmental impact report on the Sites Project.

17 (c) **AVAILABILITY OF DOCUMENTS.**—The Secretary
18 shall ensure that all documents associated with the prepa-
19 ration of planning and feasibility studies and applicable
20 environmental reviews under the National Environmental
21 Policy Act for the Sites Project shall be made available
22 to the Authority.

23 (d) **FINANCIAL ASSISTANCE AND OTHER AGREE-**
24 **MENTS.**—To assist the Secretary in meeting the deadlines
25 for completing the feasibility study and environmental im-
26 pact statement identified in this section, no later than 90

1 days following enactment, the Secretary, acting through
2 the Bureau, shall enter into such agreements with the Au-
3 thority, including financial assistance agreements, to carry
4 out such work as the Bureau and the Authority mutually
5 agree is appropriate to ensure that all studies and environ-
6 mental reviews are completed on an expeditious basis and
7 that the shortest applicable process under the National
8 Environmental Policy Act shall be utilized, including in
9 the completion of the final feasibility study and final joint
10 environmental impact statement and environmental im-
11 pact report on the Sites Project.

12 (e) NON-FEDERAL COST-SHARE.—The Secretary
13 shall attribute all funds expended, or in-kind services pro-
14 vided, by the Authority or the State to advance the Sites
15 Project, including the \$42,379,999 in non-Federal funds
16 provided to the North-of-Delta Offstream Storage Feasi-
17 bility Study reflected in the Bureau’s fiscal year 2015
18 Budget Justification, to the non-Federal share of cost-
19 share requirements for any Federal support provided to
20 the Sites Project.

21 (f) REQUIREMENTS OF EXISTING LAW.—Nothing in
22 the section herein modifies existing requirements of Fed-
23 eral law.

1 **SEC. 5. CONSTRUCTION.**

2 (a) AUTHORIZATION OF CONSTRUCTION.—Section
3 103(d)(1)(B) of title I of Public Law 108–361 (the Calfed
4 Bay-Delta Authorization Act, 118 Stat. 1681) is amended
5 by—

6 (1) adding after clause (i) the following:

7 “(ii) CONSTRUCTION AUTHORIZA-
8 TION.—If the Secretary determines the
9 project described in clause (ii)(I) of sub-
10 paragraph (A) is feasible, the Secretary is
11 authorized to carry out the project in a
12 manner that is substantially in accordance
13 with the recommended plan, and subject to
14 the conditions described in the feasibility
15 study.”;

16 (2) striking in clause (iii), “the project” and in-
17 serting “a project described in clause (ii)(I) of sub-
18 paragraph (A)”;

19 (3) redesignating clause (ii) and (iii) as clause
20 (iii) and (iv), respectively.

21 (b) PROJECT PARTNERSHIP AGREEMENTS.—At the
22 request of the Authority, the Bureau shall—

23 (1) enter into a project partnership agreement
24 with the Authority for the Authority to provide full
25 project management control for construction of the
26 Sites Project, or a separable element of the project,

1 in accordance with plans approved by the Secretary;
2 and

3 (2) following execution of the project partner-
4 ship agreement, transfer to the Authority interest to
5 carry out construction of the project, or a separable
6 element of the project—

7 (A) if applicable, the balance of the unobli-
8 gated amounts appropriated for the Sites
9 Project, except that the Secretary shall retain
10 sufficient amounts for the Bureau to carry out
11 any responsibilities of the Bureau relating to
12 the project; and

13 (B) additional amounts, as determined by
14 the Secretary, from amounts made available to
15 the Secretary, except that the total amount
16 transferred to the non-Federal interest shall not
17 exceed the updated estimate of the Federal
18 share of the cost of construction, including any
19 required design.

20 (c) DETAILED PROJECT SCHEDULE.—Not later than
21 180 days after entering into a Project Partnership agree-
22 ment, the Authority, to the maximum extent practicable,
23 shall submit to the Secretary a detailed project schedule,
24 based on estimated funding levels, that lists all deadlines
25 for each milestone in the construction of the project.

1 (d) ADMINISTRATION.—All laws and regulations that
2 would apply to the Secretary if the Secretary were car-
3 rying out the project shall apply to Authority, if the Au-
4 thority enters into an agreement with the Secretary to
5 carry out the project under this section.

6 **SEC. 6. NON-FEDERAL PROJECT.**

7 (a) IN GENERAL.—At any time, notwithstanding any
8 other provision of this Act, if the Commissioner deter-
9 mines and the Secretary concurs, that the Sites Project
10 can be expedited by the Authority as a non-Federal
11 project, and that there is a demonstrable Federal interest
12 for the Sites Project to be constructed and operated as
13 a non-Federal project, the Bureau is authorized and di-
14 rected to take any and all actions possible to advance the
15 Sites Project as a non-Federal project, including, but not
16 limited to, entering into cost-shared financial assistance
17 agreements with the Authority to support construction of
18 the Sites Project as a non-Federal project.

19 (b) TITLE; OPERATIONS AND MAINTENANCE.—The
20 Authority shall hold title to all facilities constructed under
21 this section, and shall be solely responsible for the oper-
22 ation and maintenance costs of such facilities.

23 (c) FEDERAL REVIEWS AND PERMITS.—The Bureau
24 shall be the lead Federal agency for the purposes of all
25 Federal reviews, analyses, opinions, statements, permits,

1 licenses, or other approvals or decisions required under
2 Federal law to allow the Authority to construct the Sites
3 Project as a non-Federal project.

4 (d) COORDINATED OPERATIONS.—The Secretary of
5 the Interior is authorized and directed to execute and im-
6 plement a long-term agreement between the United States
7 of America and the Authority that shall provide for the
8 coordination of operations of the Central Valley Project
9 and the Sites Project to—

10 (1) satisfy any contracts entered into in sub-
11 section (e) of this Act;

12 (2) help meet any unmet needs for Sacramento
13 Valley in-basin water uses;

14 (3) help meet any unmet needs of existing Cen-
15 tral Valley Project repayment and water service con-
16 tracts; and

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

19 (e) CONTRACTS.—The Secretary is authorized to
20 enter into long-term contracts with the Authority to ac-
21 quire water supplies made available from the Sites Project
22 for the purposes of meeting the requirements section
23 3406(b)(3) and section 3408(j) of Public Law 102–575,
24 the Central Valley Project Improvement Act, and such
25 other purposes as the Secretary may deem appropriate.

1 **SEC. 7. ENVIRONMENTAL REVIEW AND PERMITTING.**

2 With respect to the Sites Project, the Bureau shall—

3 (1) be the lead Federal agency for the purposes
4 of all Federal reviews, analyses, opinions, state-
5 ments, permits, licenses, or other approvals or deci-
6 sions required under Federal law to allow either the
7 Bureau or the Authority to construct the Sites
8 Project, including all requirements under—

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

11 (B) the Endangered Species Act of 1973
12 (16 U.S.C. 1531 et seq.); and

13 (C) any other Federal law applicable to the
14 construction of the Sites Project facilities by
15 the Bureau or the Authority; and

16 (2) take such steps as are necessary to ensure
17 that all Federal reviews, analyses, opinions, state-
18 ments, permits, licenses, or other approvals or deci-
19 sions required under Federal law to allow either the
20 Bureau or the Authority to construct the Sites
21 Project are completed on an expeditious basis and
22 utilize the shortest applicable process.

23 **SEC. 8. POWER GENERATION.**

24 (a) PURCHASE OR MARKET POWER.—The Secretary
25 of Energy, acting through the Western Area Power Ad-

1 ministration, shall determine no later than June 30, 2015,
2 if there is a Federal interest in—

3 (1) providing power to the Sites Project; and

4 (2) purchasing and marketing the power pro-
5 duced by the Sites Project.

6 (b) AUTHORIZATION TO PROVIDE, MARKET AND
7 PURCHASE POWER.—If the Secretary of Energy deter-
8 mines there is a Federal interest in providing power to,
9 and purchasing and marketing power from, the Sites
10 Project, the Secretary of Energy is authorized and di-
11 rected to take such actions as are necessary to support
12 that determination.

13 (c) PERMIT LEAD AND MARKETING OF POWER IF
14 WESTERN AREA POWER ADMINISTRATION FORGOES PAR-
15 TICIPATION IN THE SITES PROJECT.—If the Sites Project
16 is constructed as a non-Federal project by the Authority
17 and the Secretary of Energy determines that there is no
18 Federal interest in the Western Area Power Administra-
19 tion managing power provided to or emanating from the
20 Sites Project, the Secretary of the Interior, acting through
21 the Bureau, is authorized and directed to provide such
22 support as is necessary to enable the Authority market
23 the energy produced by the Sites Project, including secur-
24 ing all permits associated with managing power used and
25 produced by the Sites Project.

1 (d) DELIVERY AND MANAGEMENT OF WATER.—
2 Nothing in this subsection shall alter or impede the deliv-
3 ery and management of water, as water used for hydro-
4 power generation shall be deemed incidental to uses of
5 water for which the Sites Project is intended to serve.

6 **SEC. 9. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

7 Nothing in this Act modifies or alters any obligations
8 under—

9 (1) the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.); or

11 (2) the Endangered Species Act of 1973 (16
12 U.S.C. 1531 et seq.).

13 **SEC. 10. SAVINGS CLAUSE.**

14 Nothing in this Act shall be construed to preempt any
15 existing State law, including but not limited to area of
16 origin and other water rights protections.

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