

113TH CONGRESS  
1ST SESSION

# H. R. 678

To authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2013

Mr. TIPTON (for himself, Mr. GOSAR, Mr. COSTA, Mr. MCCLINTOCK, Mr. SMITH of Nebraska, Mr. AMODEI, Mr. CRAMER, Mrs. LUMMIS, and Mr. COFFMAN) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, 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 “Bureau of Reclamation  
5 Small Conduit Hydropower Development and Rural Jobs  
6 Act”.

7 **SEC. 2. AUTHORIZATION.**

8 Section 9(c) of the Reclamation Project Act of 1939  
9 (43 U.S.C. 485h(c)) is amended—

1           (1) by striking “The Secretary is authorized to  
2 enter into contracts to furnish water” and inserting  
3 the following:

4           “(1) The Secretary is authorized to enter into  
5 contracts to furnish water”;

6           (2) by striking “(1) shall” and inserting “(A)  
7 shall”;

8           (3) by striking “(2) shall” and inserting “(B)  
9 shall”;

10          (4) by striking “respecting the terms of sales of  
11 electric power and leases of power privileges shall be  
12 in addition and alternative to any authority in exist-  
13 ing laws relating to particular projects” and insert-  
14 ing “respecting the sales of electric power and leases  
15 of power privileges shall be an authorization in addi-  
16 tion to and alternative to any authority in existing  
17 laws related to particular projects, including small  
18 conduit hydropower development”; and

19          (5) by adding at the end the following:

20                 “(2) When carrying out this subsection,  
21 the Secretary shall first offer the lease of power  
22 privilege to an irrigation district or water users  
23 association operating the applicable transferred  
24 work, or to the irrigation district or water users  
25 association receiving water from the applicable

1 reserved work. The Secretary shall determine a  
2 reasonable time frame for the irrigation district  
3 or water users association to accept or reject a  
4 lease of power privilege offer.

5 “(3) The National Environmental Policy  
6 Act of 1969 (42 U.S.C. 4321 et seq.) shall not  
7 apply to small conduit hydropower development,  
8 excluding siting of associated transmission on  
9 Federal lands, under this subsection.

10 “(4) The Power Resources Office of the  
11 Bureau of Reclamation shall be the lead office  
12 of small conduit hydropower activities con-  
13 ducted under this subsection.

14 “(5) Nothing in this subsection shall obli-  
15 gate the Western Area Power Administration,  
16 the Bonneville Power Administration, or the  
17 Southwestern Power Administration to pur-  
18 chase or market any of the power produced by  
19 the facilities covered under this subsection and  
20 none of the costs associated with production or  
21 delivery of such power shall be assigned to  
22 project purposes for inclusion in project rates.

23 “(6) Nothing in this subsection shall alter  
24 or impede the delivery and management of  
25 water by Bureau of Reclamation facilities, as

1 water used for conduit hydropower generation  
2 shall be deemed incidental to use of water for  
3 the original project purposes. Lease of power  
4 privilege shall be made only when, in the judg-  
5 ment of the Secretary, the exercise of the lease  
6 will not be incompatible with the purposes of  
7 the project or division involved, nor shall it cre-  
8 ate any unmitigated financial or physical im-  
9 pacts to the project or division involved, and  
10 shall be on such terms and conditions as in the  
11 judgment of the Secretary in consultation with  
12 the appropriate irrigation district or water  
13 users association, will adequately protect the  
14 planning, design, construction, operation, main-  
15 tenance, and other interests of the United  
16 States and the project or division involved.

17 “(7) Nothing in this subsection shall alter  
18 or affect any existing agreements for the devel-  
19 opment of conduit hydropower projects or dis-  
20 position of revenues.

21 “(8) In this subsection:

22 “(A) CONDUIT.—The term ‘conduit’  
23 means any Bureau of Reclamation tunnel,  
24 canal, pipeline, aqueduct, flume, ditch, or  
25 similar manmade water conveyance that is

1 operated for the distribution of water for  
2 agricultural, municipal, or industrial con-  
3 sumption and not primarily for the genera-  
4 tion of electricity.

5 “(B) IRRIGATION DISTRICT.—The  
6 term ‘irrigation district’ means any irriga-  
7 tion, water conservation, multicounty water  
8 conservation district, or any separate pub-  
9 lic entity composed of two or more such  
10 districts and jointly exercising powers of  
11 its member districts.

12 “(C) RESERVED WORK.—The term  
13 ‘reserved work’ means any conduit that is  
14 included in project works the care, oper-  
15 ation, and maintenance of which has been  
16 reserved by the Secretary, through the  
17 Commissioner of the Bureau of Reclama-  
18 tion.

19 “(D) TRANSFERRED WORK.—The  
20 term ‘transferred work’ means any conduit  
21 that is included in project works the care,  
22 operation, and maintenance of which has  
23 been transferred to a legally organized  
24 water users association or irrigation dis-  
25 trict.

1                   “(E)   SMALL   CONDUIT   HYDRO-  
2                   POWER.—The term ‘small conduit hydro-  
3                   power’ means a facility capable of pro-  
4                   ducing 5 megawatts or less of electric ca-  
5                   pacity.”.

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