

Union Calendar No. 12

113TH CONGRESS
1ST SESSION

H. R. 678

[Report No. 113-24]

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

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

MARCH 25, 2013

Additional sponsors: Mr. GARDNER, Mr. DAINES, and Mr. LAMALFA

MARCH 25, 2013

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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—

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

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

15 (2) by striking “(1) shall” and inserting “(A)
16 shall”;

17 (3) by striking “(2) shall” and inserting “(B)
18 shall”;

19 (4) by striking “respecting the terms of sales of
20 electric power and leases of power privileges shall be
21 in addition and alternative to any authority in exist-
22 ing laws relating to particular projects” and insert-
23 ing “respecting the sales of electric power and leases
24 of power privileges shall be an authorization in addi-
25 tion to and alternative to any authority in existing

1 laws related to particular projects, including small
2 conduit hydropower development”; and

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

4 “(2) When carrying out this subsection,
5 the Secretary shall first offer the lease of power
6 privilege to an irrigation district or water users
7 association operating the applicable transferred
8 work, or to the irrigation district or water users
9 association receiving water from the applicable
10 reserved work. The Secretary shall determine a
11 reasonable time frame for the irrigation district
12 or water users association to accept or reject a
13 lease of power privilege offer.

14 “(3) The National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.) shall not
16 apply to small conduit hydropower development,
17 excluding siting of associated transmission on
18 Federal lands, under this subsection.

19 “(4) The Power Resources Office of the
20 Bureau of Reclamation shall be the lead office
21 of small conduit hydropower activities con-
22 ducted under this subsection.

23 “(5) Nothing in this subsection shall obli-
24 gate the Western Area Power Administration,
25 the Bonneville Power Administration, or the

1 Southwestern Power Administration to pur-
2 chase or market any of the power produced by
3 the facilities covered under this subsection and
4 none of the costs associated with production or
5 delivery of such power shall be assigned to
6 project purposes for inclusion in project rates.

7 “(6) Nothing in this subsection shall alter
8 or impede the delivery and management of
9 water by Bureau of Reclamation facilities, as
10 water used for conduit hydropower generation
11 shall be deemed incidental to use of water for
12 the original project purposes. Lease of power
13 privilege shall be made only when, in the judg-
14 ment of the Secretary, the exercise of the lease
15 will not be incompatible with the purposes of
16 the project or division involved, nor shall it cre-
17 ate any unmitigated financial or physical im-
18 pacts to the project or division involved, and
19 shall be on such terms and conditions as in the
20 judgment of the Secretary in consultation with
21 the appropriate irrigation district or water
22 users association, will adequately protect the
23 planning, design, construction, operation, main-
24 tenance, and other interests of the United
25 States and the project or division involved.

1 “(7) Nothing in this subsection shall alter
2 or affect any existing agreements for the devel-
3 opment of conduit hydropower projects or dis-
4 position of revenues.

5 “(8) In this subsection:

6 “(A) CONDUIT.—The term ‘conduit’
7 means any Bureau of Reclamation tunnel,
8 canal, pipeline, aqueduct, flume, ditch, or
9 similar manmade water conveyance that is
10 operated for the distribution of water for
11 agricultural, municipal, or industrial con-
12 sumption and not primarily for the genera-
13 tion of electricity.

14 “(B) IRRIGATION DISTRICT.—The
15 term ‘irrigation district’ means any irriga-
16 tion, water conservation, multicounty water
17 conservation district, or any separate pub-
18 lic entity composed of two or more such
19 districts and jointly exercising powers of
20 its member districts.

21 “(C) RESERVED WORK.—The term
22 ‘reserved work’ means any conduit that is
23 included in project works the care, oper-
24 ation, and maintenance of which has been
25 reserved by the Secretary, through the

1 Commissioner of the Bureau of Reclama-
2 tion.

3 “(D) TRANSFERRED WORK.—The
4 term ‘transferred work’ means any conduit
5 that is included in project works the care,
6 operation, and maintenance of which has
7 been transferred to a legally organized
8 water users association or irrigation dis-
9 trict.

10 “(E) SMALL CONDUIT HYDRO-
11 POWER.—The term ‘small conduit hydro-
12 power’ means a facility capable of pro-
13 ducing 5 megawatts or less of electric ca-
14 pacity.”

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