

113TH CONGRESS
1ST SESSION

S. 306

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2013

Mr. BARRASSO (for himself, Mr. RISCH, Mr. ENZI, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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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