

111TH CONGRESS
2D SESSION

S. 3387

To provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2010

Mr. UDALL of Colorado introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, 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. ENDANGERED FISH RECOVERY IMPLEMENTA-**
4 **TION PROGRAMS.**

5 (a) DEFINITIONS.—Section 2 of Public Law 106–392
6 (114 Stat. 1602) is amended by adding at the end the
7 following:

1 “(11) MARKETABLE YIELD POOL.—The term
2 ‘marketable yield pool’ means the portion of the reg-
3 ulatory capacity that, as of the date of enactment of
4 this paragraph, is dedicated to marketing purposes.

5 “(12) REGULATORY CAPACITY.—The term ‘reg-
6 ulatory capacity’ has the meaning given the term in
7 the publication entitled ‘Operating Principles,
8 Fryingpan-Arkansas Project, Adopted by the State
9 of Colorado, April 30, 1959 (as amended December
10 30, 1959, and December 9, 1960)’, as printed as
11 House Document No. 130 in accordance with House
12 Resolution 91, 87th Congress, agreed to March 15,
13 1961.

14 “(13) RUEDI RESERVOIR.—The term ‘Ruedi
15 Reservoir’ means the component of the Fryingpan-
16 Arkansas Project of the Bureau of Reclamation that
17 is located—

18 “(A) on the Fryingpan River; and

19 “(B) in western Colorado.”.

20 (b) AUTHORIZATION TO FUND RECOVERY PRO-
21 GRAMS.—Section 3 of Public Law 106–392 (114 Stat.
22 1603) is amended—

23 (1) by redesignating subsections (e) through (h)
24 as subsections (f) through (i), respectively; and

1 (2) by inserting after subsection (d) the fol-
2 lowing:

3 “(e) ALLOCATION OF RUEDI RESERVOIR MARKET-
4 ABLE YIELD POOL.—

5 “(1) RELEASE OF WATER.—For calendar year
6 2013, and each calendar year thereafter, at the re-
7 quest of the Director of the United States Fish and
8 Wildlife Service (referred to in this subsection as the
9 ‘Director’), 5,412.5 acre-feet of water shall be re-
10 leased from the marketable yield pool of water
11 stored in the Ruedi Reservoir for the benefit of en-
12 dangered fish habitat in the Colorado River.

13 “(2) TIMING OF RELEASE.—Unless otherwise
14 requested by the Director, the release of water under
15 paragraph (1) shall occur during the late summer
16 months to enhance low water flows in areas that
17 comprise the endangered fish habitat in the Colo-
18 rado River.

19 “(3) NO REQUIREMENT FOR CONTRACT OR
20 OTHER AGREEMENT.—The release of water under
21 paragraph (1) may be carried out without the for-
22 mation or execution of any contract or other agree-
23 ment.

24 “(4) REIMBURSEMENT.—The capital, oper-
25 ational, maintenance, and replacement costs that

1 arise from the release of water under paragraph (1)
2 shall not be reimbursable.

3 “(5) EFFECT.—The release of water under
4 paragraph (1) shall satisfy 50 percent of the com-
5 mitment by water users to provide 10,825 acre-feet
6 of water per calendar year, as described in Appendix
7 C of the document—

8 “(A) entitled ‘Final Programmatic Biologi-
9 cal Opinion for Bureau of Reclamation’s Oper-
10 ations and Depletions, Other Depletions, and
11 Funding and Implementation of Recovery Pro-
12 gram Actions in the Upper Colorado River
13 above the Confluence with the Gunnison River’;
14 and

15 “(B) published by the Director on Decem-
16 ber 20, 1999.

17 “(6) EFFECTIVE DATE.—This subsection shall
18 take effect on the later of the date on which—

19 “(A) the Secretary issues a finding of no
20 significant impact, or a record of decision,
21 under the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.) regarding the re-
23 lease of water under paragraph (1); and

24 “(B) an additional 5,412.5 acre-feet of
25 water has been made available by means accept-

1 able to water users to satisfy the remaining ob-
2 ligations of the water users, as referenced in
3 the document described in paragraph (5).”.

○