

114TH CONGRESS
2D SESSION

H. R. 5595

To direct the Secretary of the Army, acting through the Chief of Engineers, to revise the water manuals of certain flood control projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2016

Mr. HUFFMAN (for himself, Mrs. NAPOLITANO, Mr. CARTWRIGHT, Ms. SPEIER, Mr. MCNERNEY, Ms. LEE, Mr. PETERS, and Mr. GARAMENDI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Secretary of the Army, acting through the Chief of Engineers, to revise the water manuals of certain flood control projects, 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 “Reservoir Operations
5 Improvement Act”.

6 **SEC. 2. REVISION OF WATER MANUALS.**

7 (a) IN GENERAL.—Not later than 18 months after
8 the date on which the Secretary of the Army, acting

1 through the Chief of Engineers, identifies all eligible
2 projects under section 3(c), the Secretary shall revise the
3 water manuals of not more than 15 such projects (includ-
4 ing not fewer than 6 projects that are not wholly owned
5 and operated by the Corps of Engineers, if a sufficient
6 number of such projects are identified) in accordance with
7 this section.

8 (b) DATA FOR REVISIONS.—A revision of a water
9 manual under subsection (a) shall incorporate—

10 (1) a forecast-informed reservoir operations
11 plan, in accordance with subsection (c);

12 (2) new watershed data; and

13 (3) as applicable, the effects of any structural
14 improvement completed after the date of the most
15 recent revision of the water manual.

16 (c) FORECAST-INFORMED RESERVOIR OPERATIONS
17 PLAN.—The Secretary, in collaboration with the Adminis-
18 trator of the National Oceanic and Atmospheric Adminis-
19 tration, shall create a forecast-informed reservoir oper-
20 ations plan for each selected project and incorporate such
21 a plan into the applicable revision of a water manual under
22 subsection (a). A forecast-informed reservoir operations
23 plan shall include each of the following components:

24 (1) A consideration of the relationship between
25 ocean and atmospheric conditions, including the El

1 Niño and La Niña cycles, and the potential for
2 above-normal, normal, or below-normal rainfall for
3 the coming water year, including a consideration of
4 atmospheric river forecasts.

5 (2) The precipitation and runoff index specific
6 to the basin and watershed in which the relevant
7 project is located, including information regarding
8 the hydrological and meteorological conditions, at
9 each 10-digit hydrologic unit (as defined by the U.S.
10 Geological Survey) within such watershed, that influ-
11 ence the timing and quantity of runoff.

12 (3) Updated hydrologic forecasting for precipi-
13 tation, snowpack, and soil moisture conditions.

14 (4) An adjustment of flood control rule curves
15 to optimize, as applicable, water supply storage and
16 reliability, hydropower production, environmental
17 benefits related to flows and temperature, or other
18 authorized project benefits, without a reduction in
19 flood safety.

20 (5) Proactive management in response to
21 changes in forecasts.

22 (d) CONSULTATION AND COORDINATION REQUIRE-
23 MENT.—In revising a water manual under subsection (a),
24 the Secretary shall—

25 (1) consult with affected entities, including—

1 (A) non-Federal interests responsible for
2 the operations and maintenance costs of the
3 flood control project for which the water man-
4 ual is to be revised;

5 (B) water rights holders;

6 (C) individuals or entities with a right to
7 any portion of the water within the reservoir of
8 such project; and

9 (D) local agencies with flood control re-
10 sponsibilities downstream of such project; and

11 (2) enter into a cooperative agreement, memo-
12 randum of understanding, or other agreement with
13 each non-Federal interest for the project, describing
14 the scope and goals of the revision and the coordina-
15 tion among the parties.

16 (e) REPORT.—Not later than 180 days after the date
17 on which the Secretary completes a revision of a water
18 manual under subsection (a), the Secretary shall submit
19 to Congress a report regarding the components of the fore-
20 cast-informed reservoir operations plan incorporated into
21 such revision.

22 (f) FUNDING.—The Secretary may accept and expend
23 amounts from non-Federal interests to fund all or a por-
24 tion of the costs of carrying out a revision of a water man-
25 ual under this section.

1 **SEC. 3. IDENTIFICATION OF ELIGIBLE PROJECTS.**

2 (a) REPORT ON FLOOD CONTROL PROJECTS.—Not
3 later than 180 days after the date of enactment of this
4 Act, the Secretary shall submit to the Committees on Ap-
5 propriations and Environment and Public Works of the
6 Senate and the Committees on Appropriations and Trans-
7 portation and Infrastructure of the House of Representa-
8 tives a report that includes, with respect to any State that
9 is a drought State during water year 2015 or 2016—

10 (1) a list of each flood control project located
11 in such a State;

12 (2) the year during which the original water
13 manual for each such project was approved;

14 (3) the year or years during which any revisions
15 to the water manual of any such project occurred or
16 are requested to occur;

17 (4) a list of each such project for which oper-
18 ational deviations for drought contingency have been
19 requested, and the status of such request;

20 (5) a list of each such project for which perma-
21 nent or seasonal changes to storage allocations have
22 been requested, and the status of such request; and

23 (6) a description of the means by which water
24 conservation and water quality improvements were
25 addressed in any response to a request under para-
26 graph (4) or (5).

1 (b) INCORPORATION OF PRIOR STUDIES.—The Sec-
2 retary shall incorporate into the report under subsection
3 (a) any information or finding that is—

4 (1) included in or gathered for a report re-
5 quired by section 1046(a)(2) of the Water Resources
6 Reform and Development Act of 2014 (33 U.S.C.
7 2319 note); and

8 (2) relevant to the subject matter of the report
9 under subsection (a) of this section.

10 (c) ELIGIBLE PROJECTS.—Not later than 60 days
11 after the date on which the report under subsection (a)
12 is submitted, the Secretary shall identify each flood con-
13 trol project—

14 (1) that is included in the report under sub-
15 section (a);

16 (2) that includes a reservoir; and

17 (3) for which a non-Federal interest has sub-
18 mitted to the Secretary a written request, pursuant
19 to subsection (d), to revise the water manual for the
20 project.

21 (d) WRITTEN REQUEST.—Not later than 60 days
22 after the date of enactment of this Act, the Secretary shall
23 publish in the Federal Register the manner in which a
24 non-Federal interest for a flood control project may sub-

1 mit to the Secretary a written request under subsection
2 (c)(3) to revise the water manual for the project.

3 **SEC. 4. EFFECTS.**

4 (a) AUTHORIZED PURPOSES OF PROJECTS.—

5 (1) NO EFFECT ON EXISTING PURPOSES.—In
6 accordance with all applicable laws, a revision of a
7 water manual under section 2(a) may not reduce the
8 water supply for any authorized purpose, other than
9 flood control, of a flood control project.

10 (2) NEW PURPOSES NOT AUTHORIZED.—Noth-
11 ing in this Act authorizes the Secretary to carry out,
12 with respect to any flood control project, any activity
13 for a purpose not authorized on the day before the
14 date of enactment of this Act.

15 (b) STATE LAW.—Nothing in this Act—

16 (1) affects or modifies any obligation of the
17 Secretary under State law; or

18 (2) authorizes the diversion or use of water in
19 a manner that is inconsistent with State water
20 rights law.

21 (c) FEDERAL LAW.—Nothing in this Act preempts
22 or waives any provision of Federal law concerning the pro-
23 cedures that apply to a revision of a water manual.

24 **SEC. 5. DEFINITIONS.**

25 In this Act:

1 (1) DROUGHT STATE.—The term “drought
2 State” means a State—

3 (A) for which the Governor has declared a
4 drought; or

5 (B) that contains at least one county for
6 which the Secretary of Agriculture has des-
7 ignated a drought disaster.

8 (2) FLOOD CONTROL PROJECT.—The term
9 “flood control project” means a project operated,
10 wholly or in part, for flood control, in accordance
11 with rules prescribed by the Secretary pursuant to
12 section 7 of the Act of December 22, 1944 (com-
13 monly known as the “Flood Control Act of 1944”)
14 (33 U.S.C. 709).

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of the Army, acting through the Chief
17 of Engineers.

18 (4) WATER MANUAL.—The term “water man-
19 ual” means, with respect to a flood control project,
20 the water operations manual, the flood control rule
21 curves, and the water control manual, as applicable.

○