

Calendar No. 215

114TH CONGRESS
1ST SESSION**S. 1305****[Report No. 114–135]**

To amend the Colorado River Storage Project Act to authorize the use
of the active capacity of the Fontenelle Reservoir.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2015

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

SEPTEMBER 9, 2015

Reported by Ms. MURKOWSKI, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Colorado River Storage Project Act to author-
ize the use of the active capacity of the Fontenelle Res-
ervoir.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AMENDMENTS TO THE COLORADO RIVER STOR-**
 2 **AGE PROJECT ACT.**

3 The Act of April 11, 1956 (commonly known as the
 4 “Colorado River Storage Project Act”), is amended—

5 (1) by redesignating section 17 (43 U.S.C.
 6 620o) as section 18; and

7 (2) by inserting after section 16 (43 U.S.C.
 8 620n-1) the following:

9 **“SEC. 17. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY**
 10 **OF FONTENELLE RESERVOIR AVAILABLE**
 11 **FOR USE.**

12 “(a) ~~IN GENERAL.~~—The Secretary of the Interior, in
 13 cooperation with the State of Wyoming, may amend the
 14 Definite Plan Report for the Seedskadee Project author-
 15 ized under the first section to provide for the study, de-
 16 sign, planning, and construction activities that will enable
 17 the use of all active storage capacity (as may be defined
 18 or limited by legal, hydrologic, structural, engineering,
 19 economic, and environmental considerations) of Fontenelle
 20 Dam and Reservoir, including the placement of sufficient
 21 riprap on the upstream face of Fontenelle Dam to allow
 22 the active storage capacity of Fontenelle Reservoir to be
 23 used for those purposes for which the Seedskadee Project
 24 was authorized.

25 “(b) ~~COOPERATIVE AGREEMENTS.~~—

1 “(1) IN GENERAL.—The Secretary of the Inte-
 2 rior may enter into any contract, grant, cooperative
 3 agreement, or other agreement that is necessary to
 4 carry out subsection (a).

5 “(2) STATE OF WYOMING.—

6 “(A) IN GENERAL.—The Secretary of the
 7 Interior shall enter into a cooperative agree-
 8 ment with the State of Wyoming to work in co-
 9 operation and collaboratively with the State of
 10 Wyoming for planning, design, related
 11 preconstruction activities, and construction of
 12 any modification of the Fontenelle Dam under
 13 subsection (a).

14 “(B) REQUIREMENTS.—The cooperative
 15 agreement under subparagraph (A) shall, at a
 16 minimum, specify the responsibilities of the
 17 Secretary of the Interior and the State of Wyo-
 18 ming with respect to—

19 “(i) completing the planning and final
 20 design of the modification of the
 21 Fontenelle Dam under subsection (a);

22 “(ii) any environmental and cultural
 23 resource compliance activities required for
 24 the modification of the Fontenelle Dam

under subsection (a) including compliance
with—

“(I) the National Environmental
Policy Act of 1969 (42 U.S.C. 4321
et seq.);

“(II) the Endangered Species Act
of 1973 (16 U.S.C. 1531 et seq.); and

“(III) subdivision 2 of division A
of subtitle III of title 54, United
States Code; and

“(iii) the construction of the modifica-
tion of the Fontenelle Dam under sub-
section (a).

“(e) FUNDING BY STATE OF WYOMING.—Pursuant
to the Act of March 4, 1921 (41 Stat. 1404, chapter 161;
43 U.S.C. 395), and as a condition of providing any addi-
tional storage under subsection (a), the State of Wyoming
shall provide to the Secretary of the Interior funds for any
work carried out under subsection (a).

“(d) OTHER CONTRACTING AUTHORITY.—

“(1) IN GENERAL.—The Secretary of the Inte-
rior may enter into contracts with the State of Wyo-
ming, on such terms and conditions as the Secretary
of the Interior and the State of Wyoming may agree;

1 for division of any additional active capacity made
2 available under subsection (a).

3 ~~“(2) TERMS AND CONDITIONS.—Unless other-~~
4 ~~wise agreed to by the Secretary of the Interior and~~
5 ~~the State of Wyoming, a contract entered into under~~
6 ~~paragraph (1) shall be subject to the terms and con-~~
7 ~~ditions of Bureau of Reclamation Contract No. 14-~~
8 ~~06-400-2474 and Bureau of Reclamation Contract~~
9 ~~No. 14-06-400-6193.”.~~

10 **SEC. 2. SAVINGS PROVISIONS.**

11 Unless expressly provided in this Act, nothing in this
12 Act or an amendment made by this Act modifies, conflicts
13 with, preempts, or otherwise affects—

14 (1) the Act of December 31, 1928 (43 U.S.C.
15 617 et seq.) (commonly known as the “Boulder Can-
16 yon Project Act”);

17 (2) the Colorado River Compact of 1922, as ap-
18 proved by the Presidential Proclamation of June 25,
19 1929 (46 Stat. 3000);

20 (3) the Act of July 19, 1940 (43 U.S.C. 618
21 et seq.) (commonly known as the “Boulder Canyon
22 Project Adjustment Act”);

23 (4) the Treaty between the United States of
24 America and Mexico relating to the utilization of
25 waters of the Colorado and Tijuana Rivers and of

1 the Rio Grande, and supplementary protocol signed
 2 November 14, 1944, signed at Washington February
 3 3, 1944 (59 Stat. 1219);

4 (5) the Upper Colorado River Basin Compact
 5 as consented to by the Act of April 6, 1949 (63
 6 Stat. 31);

7 (6) the Act of April 11, 1956 (commonly known
 8 as the “Colorado River Storage Project Act”) (43
 9 U.S.C. 620 et seq.);

10 (7) the Colorado River Basin Project Act (Pub-
 11 lic Law 90-537; 82 Stat. 885); or

12 (8) any State of Wyoming or other State water
 13 law.

14 **SECTION 1. AUTHORITY TO MAKE ENTIRE ACTIVE CAPAC-**
 15 **ITY OF FONTENELLE RESERVOIR AVAILABLE**
 16 **FOR USE.**

17 (a) *IN GENERAL.*—*The Secretary of the Interior, in*
 18 *cooperation with the State of Wyoming, may amend the*
 19 *Definite Plan Report for the Seedskadee Project authorized*
 20 *under the first section of the Act of April 11, 1956 (com-*
 21 *monly known as the “Colorado River Storage Project Act”)*
 22 *(43 U.S.C. 620), to provide for the study, design, planning,*
 23 *and construction activities that will enable the use of all*
 24 *active storage capacity (as may be defined or limited by*
 25 *legal, hydrologic, structural, engineering, economic, and en-*

1 *vironmental considerations) of Fontenelle Dam and Res-*
 2 *ervoir, including the placement of sufficient riprap on the*
 3 *upstream face of Fontenelle Dam to allow the active storage*
 4 *capacity of Fontenelle Reservoir to be used for those pur-*
 5 *poses for which the Seedskadee Project was authorized.*

6 (b) *COOPERATIVE AGREEMENTS.—*

7 (1) *IN GENERAL.—The Secretary of the Interior*
 8 *may enter into any contract, grant, cooperative agree-*
 9 *ment, or other agreement that is necessary to carry*
 10 *out subsection (a).*

11 (2) *STATE OF WYOMING.—*

12 (A) *IN GENERAL.—The Secretary of the In-*
 13 *terior shall enter into a cooperative agreement*
 14 *with the State of Wyoming to work in coopera-*
 15 *tion and collaboratively with the State of Wyo-*
 16 *ming for planning, design, related*
 17 *preconstruction activities, and construction of*
 18 *any modification of the Fontenelle Dam under*
 19 *subsection (a).*

20 (B) *REQUIREMENTS.—The cooperative*
 21 *agreement under subparagraph (A) shall, at a*
 22 *minimum, specify the responsibilities of the Sec-*
 23 *retary of the Interior and the State of Wyoming*
 24 *with respect to—*

1 (i) completing the planning and final
2 design of the modification of the Fontenelle
3 Dam under subsection (a);

4 (ii) any environmental and cultural
5 resource compliance activities required for
6 the modification of the Fontenelle Dam
7 under subsection (a) including compliance
8 with—

9 (I) the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321 et
11 seq.);

12 (II) the Endangered Species Act
13 of 1973 (16 U.S.C. 1531 et seq.); and

14 (III) subdivision 2 of division A
15 of subtitle III of title 54, United States
16 Code; and

17 (iii) the construction of the modifica-
18 tion of the Fontenelle Dam under subsection
19 (a).

20 (c) *FUNDING BY STATE OF WYOMING.*—Pursuant to
21 the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43
22 U.S.C. 395), and as a condition of providing any addi-
23 tional storage under subsection (a), the State of Wyoming
24 shall provide to the Secretary of the Interior funds for any
25 work carried out under subsection (a).

1 (d) *OTHER CONTRACTING AUTHORITY.*—

2 (1) *IN GENERAL.*—*The Secretary of the Interior*
 3 *may enter into contracts with the State of Wyoming,*
 4 *on such terms and conditions as the Secretary of the*
 5 *Interior and the State of Wyoming may agree, for di-*
 6 *vision of any additional active capacity made avail-*
 7 *able under subsection (a).*

8 (2) *TERMS AND CONDITIONS.*—*Unless otherwise*
 9 *agreed to by the Secretary of the Interior and the*
 10 *State of Wyoming, a contract entered into under*
 11 *paragraph (1) shall be subject to the terms and condi-*
 12 *tions of Bureau of Reclamation Contract No. 14–06–*
 13 *400–2474 and Bureau of Reclamation Contract No.*
 14 *14–06–400–6193.*

15 **SEC. 2. SAVINGS PROVISIONS.**

16 *Unless expressly provided in this Act, nothing in this*
 17 *Act modifies, conflicts with, preempts, or otherwise affects—*

18 (1) *the Act of December 31, 1928 (43 U.S.C. 617*
 19 *et seq.) (commonly known as the “Boulder Canyon*
 20 *Project Act”);*

21 (2) *the Colorado River Compact of 1922, as ap-*
 22 *proved by the Presidential Proclamation of June 25,*
 23 *1929 (46 Stat. 3000);*

1 (3) *the Act of July 19, 1940 (43 U.S.C. 618 et*
 2 *seq.) (commonly known as the “Boulder Canyon*
 3 *Project Adjustment Act”);*

4 (4) *the Treaty between the United States of*
 5 *America and Mexico relating to the utilization of*
 6 *waters of the Colorado and Tijuana Rivers and of the*
 7 *Rio Grande, and supplementary protocol signed No-*
 8 *vember 14, 1944, signed at Washington February 3,*
 9 *1944 (59 Stat. 1219);*

10 (5) *the Upper Colorado River Basin Compact as*
 11 *consented to by the Act of April 6, 1949 (63 Stat. 31);*

12 (6) *the Act of April 11, 1956 (commonly known*
 13 *as the “Colorado River Storage Project Act”) (43*
 14 *U.S.C. 620 et seq.);*

15 (7) *the Colorado River Basin Project Act (Public*
 16 *Law 90–537; 82 Stat. 885); or*

17 (8) *any State of Wyoming or other State water*
 18 *law.*

Amend the title so as to read: “A bill to authorize the Secretary of the Interior to amend the Definite Plan Report for the Seedskadee Project to enable the use of the active capacity of the Fontenelle Reservoir.”.

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