

AMENDMENT OF CONTRACTS EXISTING PRIOR TO
NOVEMBER 17, 1986

Pub. L. 99–662, title IX, §932(b), Nov. 17, 1986, 100 Stat. 4197, provided that: “Nothing in this section [amending this section] shall be deemed to amend or require amendment of any valid contract entered into pursuant to the Water Supply Act of 1958 [this section], or Federal reclamation law and approved by the Secretary of the Army or the Secretary of the Interior prior to the date of enactment of this Act [Nov. 17, 1986].”

DEFINITIONS

Pub. L. 114–322, title III, §4014, Dec. 16, 2016, 130 Stat. 1883, provided that: “In this subtitle [subtitle J (§§4001–4014) of title III of Pub. L. 114–322, see Tables for classification]:

“(1) ASSISTANT ADMINISTRATOR.—The term ‘Assistant Administrator’ means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

“(2) CENTRAL VALLEY PROJECT.—The term ‘Central Valley Project’ has the meaning given the term in section 3403 of the Central Valley Project Improvement Act ([title XXXIV of] Public Law 102–575; 106 Stat. 4707).

“(3) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Reclamation.

“(4) DELTA.—The term ‘Delta’ means the Sacramento-San Joaquin Delta and the Suisun Marsh (as defined in section 12220 of the California Water Code and section 29101 of the California Public Resources Code (as in effect on the date of enactment of this Act [Dec. 16, 2016])).

“(5) DELTA SMELT.—The term ‘Delta smelt’ means the fish species with the scientific name *Hypomesus transpacificus*.

“(6) DIRECTOR.—The term ‘Director’ means the Director of the United States Fish and Wildlife Service.

“(7) LISTED FISH SPECIES.—The term ‘listed fish species’ means—

“(A) any natural origin steelhead, natural origin genetic spring run Chinook, or genetic winter run Chinook salmon (including any hatchery steelhead or salmon population within the evolutionary significant unit or a distinct population segment); and

“(B) Delta smelt.

“(8) RECLAMATION STATE.—The term ‘Reclamation State’ means any of the States of—

“(A) Arizona;

“(B) California;

“(C) Colorado;

“(D) Idaho;

“(E) Kansas;

“(F) Montana;

“(G) Nebraska;

“(H) Nevada;

“(I) New Mexico;

“(J) North Dakota;

“(K) Oklahoma;

“(L) Oregon;

“(M) South Dakota;

“(N) Texas;

“(O) Utah;

“(P) Washington; and

“(Q) Wyoming.

“(9) SALMONID BIOLOGICAL OPINION.—

“(A) IN GENERAL.—The term ‘salmonid biological opinion’ means the biological and conference opinion of the National Marine Fisheries Service dated June 4, 2009, regarding the long-term operation of the Central Valley Project and the State Water Project, and successor biological opinions.

“(B) INCLUSIONS.—The term ‘salmonid biological opinion’ includes the operative incidental take statement of the opinion described in subparagraph (A).

“(10) SMELT BIOLOGICAL OPINION.—

“(A) IN GENERAL.—The term ‘smelt biological opinion’ means the biological opinion dated Decem-

ber 15, 2008, regarding the coordinated operation of the Central Valley Project and the State Water Project, and successor biological opinions.

“(B) INCLUSIONS.—The term ‘smelt biological opinion’ includes the operative incidental take statement of the opinion described in subparagraph (A).

“(11) STATE WATER PROJECT.—The term ‘State Water Project’ means the water project described in chapter 5 of part 3 of division 6 of the California Water Code (sections 11550 et seq.) (as in effect on the date of enactment of this Act [Dec. 16, 2016]) and operated by the California Department of Water Resources.”

§ 390b–1. Improving planning and administration of water supply storage

(1) In general

For each water supply feature of a reservoir managed by the Secretary, the Secretary shall notify the applicable non-Federal interests before each fiscal year of the anticipated operation and maintenance activities for that fiscal year and each of the subsequent 4 fiscal years (including the cost of those activities) for which the non-Federal interests are required to contribute amounts.

(2) Clarification

The information provided to a non-Federal interest under paragraph (1) shall—

(A) be an estimate which the non-Federal interest may use for planning purposes; and

(B) not be construed as or relied upon by the non-Federal interest as the actual amounts that the non-Federal interest will be required to contribute.

(Pub. L. 113–121, title I, §1046(b), June 10, 2014, 128 Stat. 1254.)

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of Title 33, Navigation and Navigable Waters.

§ 390b–2. Leveraging Federal infrastructure for increased water supply

(a) In general

At the request of a non-Federal interest, the Secretary may review proposals to increase the quantity of available supplies of water at a Federal water resources development project through—

(1) modification of the project;

(2) modification of how the project is managed; or

(3) accessing water released from the project.

(b) Proposals included

A proposal under subsection (a) may include—

(1) increasing the storage capacity of the project;

(2) diversion of water released or withdrawn from the project—

(A) to recharge groundwater;

(B) to aquifer storage and recovery; or

(C) to any other storage facility;

(3) construction of facilities for delivery of water from pumping stations constructed by the Secretary;