

MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
PUBLIC AFFAIRS AND LEGISLATION COMMITTEE
January 16, 2017, 8:30 a.m.
Conference Room 101

Committee:

Director S. Tamaribuchi, Chairman
Director B. Barbre
Vacant

Staff: R. Hunter, K. Seckel, J. Volzke,
P. Meszaros, H. Baez

Ex Officio Member: W. Osborne

MWDOC Committee meetings are noticed and held as joint meetings of the Committee and the entire Board of Directors and all members of the Board of Directors may attend and participate in the discussion. Each Committee has designated Committee members, and other members of the Board are designated alternate committee members. If less than a quorum of the full Board is in attendance, the Board meeting will be adjourned for lack of a quorum and the meeting will proceed as a meeting of the Committee with those Committee members and alternate members in attendance acting as the Committee.

PUBLIC PARTICIPATION

Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING --

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at <http://www.mwdoc.com>.

DISCUSSION ITEMS

1. LEGISLATIVE ACTIVITIES
 - a. Federal Legislative Report (Barker)
 - b. State Legislative Report (BBK)
 - c. County Legislative Report (Lewis)
 - d. Legal and Regulatory Report (Ackerman)
2. SOUTHERN CALIFORNIA WATER ISSUES CONGRESSIONAL DELEGATION BRIEFING LUNCHEON (DC) (MARCH 1st)
3. METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA'S LEGISLATIVE PRIORITIES AND PRINCIPLES FOR 2017-18

4. MWDOC LEGISLATIVE PRIORITIES FOR 2017
5. MEMBER AGENCY REQUEST FOR MWDOC TO CONVENE A WORKING GROUP TO OBTAIN FEDERAL FUNDING

ACTION ITEMS

6. MWDOC LEGISLATIVE POLICY PRINCIPLES ANNUAL UPDATE

INFORMATION ITEMS (THE FOLLOWING ITEMS ARE FOR INFORMATIONAL PURPOSES ONLY – BACKGROUND INFORMATION IS INCLUDED IN THE PACKET. DISCUSSION IS NOT NECESSARY UNLESS REQUESTED BY A DIRECTOR.)

7. EDUCATION REPORT
 - a. Elementary
 - b. High School
8. UPDATE ON POTENTIAL SAN JUAN CAPISTRANO UTILITIES CONSOLIDATION (oral report)
9. ENVIRONMENTAL LEADERS GROUP REPORT
10. CLAREMONT LEGAL CHALLENGE TO TAKE OVER ITS WATER SYSTEM FROM GOLDEN STATE WATER COMPANY
11. UPDATE ON WATER POLICY DINNER
12. UPDATE ON 2017 OC WATER SUMMIT (JUNE 16, 2017)
13. PUBLIC AFFAIRS ACTIVITIES REPORT
14. H.R. 23 (VALADAO, R-CA) – GAINING RESPONSIBILITY ON WATER ACT OF 2017

OTHER ITEMS

15. REVIEW ISSUES RELATED TO LEGISLATION, OUTREACH, PUBLIC INFORMATION ISSUES, AND MET

ADJOURNMENT

NOTE: At the discretion of the Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated, and may be subject to action by the Committee. On those items designated for Board action, the Committee reviews the items and makes a recommendation for final action to the full Board of Directors; final action will be taken by the Board of Directors. Agendas for Committee and Board meetings may be obtained from the District Secretary. Members of the public are advised that the Board consideration process includes consideration of each agenda item by one or more Committees indicated on the Board Action Sheet. Attendance at Committee meetings and the Board meeting considering an item consequently is advised.

Accommodations for the Disabled. Any person may make a request for a disability-related modification or

accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

JAMES C. BARKER, PC
 ATTORNEY AND COUNSELOR AT LAW
 FIFTH FLOOR
 1050 THOMAS JEFFERSON STREET, NW
 WASHINGTON, DC 20007
 (202) 293-4064
jimbarker@jcbdc.com

Nicholas Crockett
 Alia Cardwell

Municipal Water District of Orange County, California
Washington Update
January 9, 2017

This will be an abbreviated report this month—inasmuch as Congress has only been in session one week since our last report was prepared.

Members of Congress and newly elected Senators were sworn into office last Monday, January 3rd. The President will take his oath of office on Friday, January 20th. Congress has been busy getting itself organized for the new session.

To date, there is every indication that President Elect Trump is following up on his campaign pledge to take a fresh look at everything in Washington. He and his transition office and by extension, his future cabinet members, have indicated that they will be looking at regulations which are a drag on the economy or that are too burdensome. This will include many of the federal regulations that affect our water community.

Meanwhile, the Trump team is placing its greatest emphasis at the moment on two major issues:

- 1) The Repeal and the Replacing of the Obama Health Care Law—at press time, there has been a significant push in the last week to “not repeal the law—until a replacement plan has been agreed upon”. This topic is under serious debate as this week begins in Washington. There are several GOP Senators that have expressed the notion that it would be wiser to “repeal and replace” Obama Care with a real “plan”—rather than simply indicate that there will be a two to four year transition period to a “yet, undefined” insurance program.

It is clear that two popular provisions of Obama Care will survive in any new plan—namely—the provision that protects individuals with pre-existing conditions, and the provision that allows children to stay on the

parent's health care plan until they are 26 years old.

- 2) Tax Reform: We aren't sure right now exactly what kind of tax reform measures we will see in the coming months—but there has clearly been a goal set to deal with tax reform during the first year of the Trump tenure.

Among other critical issues on the horizon for water interests will be the implementation of the recently passed water bill, S 612, which contained the California Drought relief language. To that end, there are efforts underway right now to allow pumping in the Delta to occur so that there is less water that flows into the ocean. There is a letter that is being circulated by the House Majority Leader, Kevin McCarthy (R-Bakersfield) to fellow Californians on this issue that is addressed to key federal officials on the matter. A copy of the letter would be included in this report but for the fact that the letter is still embargoed and we are not allowed to put it in the public domain at this time.

There is still talk here of a Trump Infrastructure Plan, but that issue is now on the backburner behind the health care issues and tax reform.

Among some of the key committee assignment changes in the California/Orange County Delegation—Senator Kamala Harris will sit on the following committees:

Senate Homeland Security and Governmental Affairs Committee

Senate Select Committee On Intelligence

Senate Environment and Public Works Committee

Senate Budget Committee.

Senator Feinstein will be the top Democrat on the Senate Judiciary Committee, and the top Democrat on the Water and Power Appropriations Subcommittee. She will also continue to sit on the Senate Intelligence Committee and the Senate Rules Committee.

On the House side, one of the major changes deals with Congresswoman Mimi Walters being named to the Energy and Commerce Committee and as a result she will be surrendering her position on the House Transportation and Infrastructure Committee. Historically, the Energy and Commerce Committee is considered a very prestigious committee, generally more desirable than the House T&I slot.

Funding Opportunities:

The EPA has rolled out the new water infrastructure financing program this week that lawmakers have increasingly eyed as a fix for the country's massive drinking water and wastewater infrastructure needs.

The Water Infrastructure Finance and Innovation Act, or WIFIA, has about \$1 billion in credit assistance available for state, local, and tribal governments to build drinking water systems, wastewater conveyances, water recycling projects or drought prevention programs. The program was authorized as part of the 2014 Water Resources Reform and Development Act and EPA this week finalized its rules for implementing it.

WIFIA has been particularly popular with some Congressional lawmakers because it requires only a small appropriation to make a large number of loans. EPA estimates the program's \$17 million appropriation can be leveraged 50-1. But many state and local water managers fear that leverage could end up undercutting EPA's State Revolving Fund programs, which make low-interest loans and grants to communities for similar infrastructure upgrades, with a special focus on low-income communities that may not qualify for the WIFIA program. The Clean Water and Drinking Water SRFs are the largest line items in EPA's budget and are frequently targeted for cuts.

EPA estimates that approximately \$660 billion in investment is needed to upgrade or build out the country's drinking water, wastewater and stormwater infrastructure over the next two decades. Those needs could also receive attention as part of President-elect Donald Trump's infrastructure effort.

This link will take you to an EPA WIFIA information page:

[Water Infrastructure Finance and Innovation Act,](#)

IRS Turf Removal Tax Issue:

Below please find a copy of a December 20, 2016 letter that Senator Feinstein sent to the Administration regarding the water conservation and turf removal program and the associated IRS issues. The letter seeks an “administrative remedy” to the IRS tax issue.

We have not heard back yet from the Administration on this matter.

United States Senate
WASHINGTON, DC 20510

December 20, 2016

The Honorable Secretary Jacob J. Lew
Department of Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20220

Dear Secretary Lew:

We are writing to follow up on our May 26, 2016, correspondence to request that the Department of the Treasury consider additional information in determining whether water conservation rebates and storm water management rebates, including the installation of green infrastructure, could be excluded from residents' taxable income. Since our initial correspondence to you, we have received additional information showing significant, measurable energy savings that result from water conservation. Given the compelling data we have received, we now have reason to believe that water conservation rebates should be considered exempt from inclusion in gross income under 26 U.S.C. § 136 (Section 136), which provides such an exemption for energy conservation measures.

We have attached a letter from the Director of the Center for Water-Energy Efficiency at the University of California, Davis, which details the Center's findings that water conservation in California in Summer 2015 resulted in energy savings equivalent to those of energy efficiency programs. Notably, their research found that water conservation-related greenhouse gas savings over the Summer of 2015 were equivalent to taking about 50,000 cars off the road for a year. Additionally, The Los Angeles Department of Water and Power has estimated total energy savings of approximately 24,400 MWh for fiscal year 2015/16 from the residential and commercial indoor and outdoor water conservation rebates that it provides. These figures are even higher after including energy savings from hot water heating and other customer end uses. In Colorado, water utilities have also been working to implement conservation programs that have the benefit of saving water and electricity or natural gas, including residential shower head exchange programs. Similar conservation measures are underway at urban utilities throughout the country, including in Arizona, Nevada, and Washington.

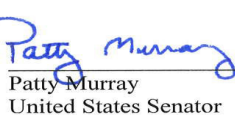
Section 136 was added in 1992, when there was a clear line between energy and water conservation. Today, that distinction is largely gone and the nexus between saving water and saving energy has been established. Commissioner Lopez of the Bureau of Reclamation has stated, "[W]ater and energy efficiency are intrinsically linked. When we conserve water, we conserve the energy it takes to move it." Water conservation also results in other energy savings, including reductions in energy use for heating and for treatment. We believe the federal agencies involved in energy and water conservation and the Department of the Treasury currently have the authority to interpret Section 136 more broadly.

It appears that many, if not all, water conservation rebates result in per capita energy savings. The same is true of rebates designed to collect, treat, and use storm water or reduce storm water inflows into combined sewers. There are many challenges impacting our nation's water supplies, and it is imperative to maintain the effectiveness of incentives for residents to participate in water efficiency and storm water management programs. We would like to request that you clarify that in cases where a public utility can attest to energy savings from water conservation and storm water management measures, such rebates issued by a public utility can be excluded from gross income under Section 136. This is in line with the process many utilities already follow for energy conservation measures.

We look forward to working with you to ensure the success of water conservation and water quality efforts in our states.

Sincerely,


Dianne Feinstein
United States Senator


Patty Murray
United States Senator


Michael F. Bennet
United States Senator

Enclosure

cc: The Honorable Ernest Moniz, Department of Energy
The Honorable Sally Jewell, Department of the Interior
The Honorable Gina McCarthy, Environmental Protection Agency

Jim Barker 1/9/2017



Memorandum

To: Municipal Water District of Orange County
From: Syrus Devers, Best Best & Krieger
Date: January 16, 2017
Re: Monthly State Political Report

Legislative Update

The Legislature reconvened on January 4th to open a new 2-year session. Bill requests should be into Legislative Counsel by 1/20, and bills must be introduced by 2/17.

The Senate and Assembly appointed new water policy committee chairs. Senator Hertzberg (Van Nuys) will chair Natural Resources and Water, and Assemblyman Eduardo Garcia (Coachella) will chair Water, Parks & Wildlife.

ACWA learned that Sen. Hertzberg will not reintroduce SB 163 on ocean discharge of waste water.

Permanent Conservation Regulations

Given the importance of the issue, this will be a separate section in this report throughout 2017.

The deadline for comments on the permanent regulations was Dec. 19th, although the board did take comments as late as 12/23. Hundreds of comments were received, and the board will submit a final proposal to the Governor on January 20th. As previously reported, it is believed that the Governor's staff will then take over running legislation to grant the board the necessary authority to adopt the regulations.

Administration Update

The SWRCB met on January 4th to discuss drought conditions and receive information from staff on the status of ongoing conservation efforts. Given the extended rainfall between the hearing and the date of this report, little of what was discussed about reservoir levels is now relevant. California's water agencies, however, received recognition for ongoing conservation efforts. The difference between overall conservation levels at this time last year and now were within 2%. This is important because the board was criticized over the Summer for allowing water agencies to self-certify conservation levels and forgoing



arbitrary conservation requirements. News agencies reported on increased water use for a single month as proof that the more flexible approach adopted by the board degraded conservation efforts. With several months of data now available, it is clear that California can achieve impressive levels of conservation without having statewide mandates that fail to account for local water supply conditions.

The current Emergency Drought Regulations will expire on 2/28 unless extended. The board will hear comments on 1/18 on the need for an extension.

Budget Highlights: the Budget was released the day this report was due. Below are highlights from the Governor's Executive Summary. BB&K will provide more details as they become available at the PAL Committee hearing.

- New funds for 2017: \$179M in new funds for drought-impacted communities, but over half of that amount is for fire protection and \$53M goes to OES for disaster assistance.
- Drinking water: Less \$20M of the new funds are allocated to water-related activities. Examples include \$5M for emergency drinking water to small communities, and \$7M to DWR for drought management and response.
- Water supply: Integrated Regional Water Management Program—An increase of \$248 million Proposition 1 funding for Department of Water Resources for integrated regional water management projects.

Activity Report

Met with Senator Nguyen and Assemblymember Eggman on 12/20-21/2016 to discuss 2017 outlook for special districts.

Monitored SWRCB hearing on 1/4/2017.

MWDOC

PAL Committee

Prepared by Best Best & Kriger

January 10, 2017

B. Watch

AB 18

([Garcia, Eduardo](#) D) California Clean Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2018.

Current Text: Introduced: 12/5/2016 [Text](#)

Status: 12/6/2016-From printer. May be heard in committee January 5.

Is Urgency: Y

Summary: Would enact the California Clean Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,005,000,000 pursuant to the State General Obligation Bond Law to finance a clean water, climate, and coastal protection and outdoor access for all program. This bill contains other related provisions.

Laws: An act to add Chapter 14 (commencing with Section 5880) to Division 5 of the Public Resources Code, relating to a clean water, climate, and coastal protection and outdoor access for all program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

<i>Position</i>	<i>Priority</i>
<i>Watch</i>	<i>B. Watch</i>

Notes 1: More park bond than water bond.

SB 5

([De León](#) D) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

Current Text: Introduced: 12/5/2016 [Text](#)

Status: 12/6/2016-From printer. May be acted upon on or after January 5.

Is Urgency: Y

Summary: Would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program.

Laws: An act to add Division 45 (commencing with Section 80000) to the Public Resources Code, relating to a drought, water, parks, climate, coastal protection, and outdoor access for all program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

<i>Position</i>	<i>Priority</i>
<i>Watch</i>	<i>B. Watch</i>

Notes 1: Really more of a park bond than a water bond at this point.

Total Measures: 2

Total Tracking Forms: 2

The County of Orange Report

January 10, 2017
by Lewis Consulting Group



County Changing of the Guard -

Michelle Steel New Board Chair

At the January 10, 2017 meeting of the Board of Supervisors second district supervisor Michelle Steel was unanimously selected by her board colleagues to serve as the Board Chair for 2017. Outgoing board chair, Lisa Bartlett, made the motion to select Steel as Chair and Andrew Do as Vice Chair; the motion was passed unanimously and without discussion.

Earlier in the meeting, Supervisors Todd Spitzer and Andrew Do took the oath of office to officially start their second consecutive terms. Supervisor Spitzer had served previously in the 1990's before being elected to the California State Assembly.



Both Do and Spitzer expressed optimism regarding the next two years and listed a number of accomplishments that each was proud of. Both Supervisors touted in particular the progress the County has made in the last year addressing the homeless issues. Do has been particularly engaged and responsible for spearheading the opening of a homeless shelter across from the County Administration offices, the site of a former bus terminal. Each also applauded the success of siting a future homeless center in the City of Anaheim. Supervisor Spitzer singled out both Supervisor Shawn Nelson and Anaheim Mayor Tom Tait for their leadership on that issue as well.

LAFCO Considers Major Changes to Policy

At the Wednesday, January 11th meeting of Orange County LAFCO, (too late to include in this written report), the agenda included major revisions to Orange County's LAFCO evaluation for processing applications and evaluating proposals.

Two of the more controversial proposed changes include a requirement for a petition signed by 25% of the residents (definition undetermined) in the case of a proposed merger when one of the affected parties object. The proposed change would require the signatures submitted and verified before LAFCO will consider the matter. LAFCO initiated processes are exempt from this requirement.

The second major change would prohibit amendments to applications once they have been submitted. This proposal may lead to only last minute filings to prevent competitive proposals from having the advantage of reviewing prior proposals before submitting.

D.A.'s Office Reverses Position and Fills Chief Assistant District Attorney Position



On January 3, 2017, the Orange County D.A.'s office issued a press release announcing the appointment of long time D.A. employee, Jim Tanizaki, to the re-established position of Chief Assistant District Attorney. Tanizaki first joined the D.A.'s office in 1985 as a deputy D.A. and was promoted to senior assistant district attorney in 2002.

The re-establishment of the second in command position was one of the recommendations contained in a special independent panel of legal experts appointed by D.A. Tony Rackauckas. The D.A. had rejected this advice, but as pressure continued to build for office change, largely amplified by three separate legal investigations, Rackauckas ultimately relented.

Orange County Grand Jury Seeks Additional Applicants

Due to a shortage of qualified applicants, the Orange County Superior Court has extended the deadline for people to apply to serve on the newly formed Grand Jury. The application deadline has been extended by one month to February 1, 2017.



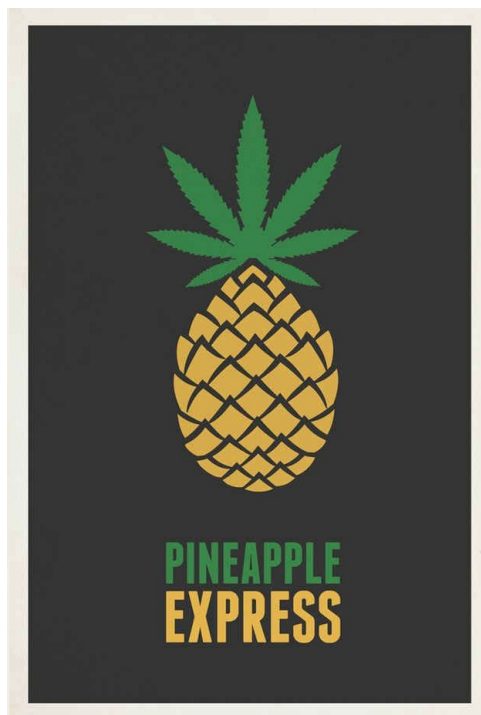
The next Grand Jury is sworn in on June 30th for a one year term. Jurors are selected by a panel of Superior Court Judges. The judges select 25-30 finalists and then a random draw is conducted to pick the final 19 members.

Requirements to serve are minimal. An applicant must be a U.S. citizen, over the age of 18, be proficient in English and be deemed to possess sound judgement and a sense of

fairness. Jurors must expect to spend about 30-35 hours per week for which they receive a \$50 per day stipend plus expenses. Applications are available at: www.ocgrandjury.org.

Lesson from the Past - The Great California Flood of 1861

The deluge of rain and snow that has hit Central and Northern California has been attributed to the phenomenon known as an atmospheric river. Californians also know this pattern as the “Pineapple Express”. The average AR is 250-370 miles wide and a strong AR like the one California has been dealing with can carry between 7.5-15 times as much flow of water as the average flow of water at the mouth of the Mississippi River.

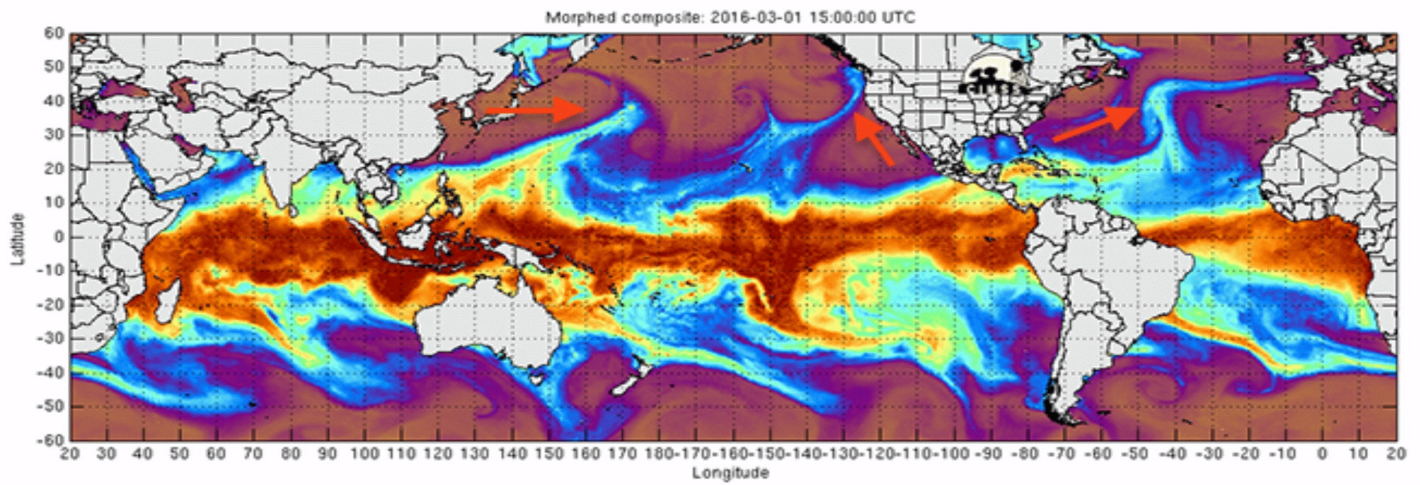


Such was the case when rain started on November 9, 1861 and brought wave after wave of heavy rainfall well into February 1862. Beginning on December 24, 1861, it rained 28 consecutive days in Los Angeles. In a worst case scenario the early rains were cold and massive amounts of snow accumulated in California mountains. However the later rains switched to the “Pineapple Express” and were accompanied by extremely warm weather. The result was a torrent of runoff which overflowed California’s creeks and rivers.

Catastrophic results were the norm throughout the State. The city of Sacramento was mostly submerged. The State’s Capitol was forced to relocate to San Francisco. Both the Sacramento and San Joaquin valleys were flooded. A huge lake was formed measuring approximately 300 miles long and 20 miles wide. The lake covered between 5,000-6,000 square miles and it reached a depth of 30 feet.

In Southern California the flooding is hard to comprehend. First, the Santa Ana river overflowed creating an inland lake 4 feet deep as much as 4 miles from the river. In February 1862, the flooding from the Santa Ana, Los Angeles and San Gabriel rivers caused the three rivers to merge.

In recent years, after the studying the geologic record, scientists have discovered that events of this magnitude hit California on average every 150 years, a frightening thought that this latest AR might be a precursor to the real “big one”.



Satellite image depicting global precipitable water content on Mar. 1, 2016. Atmospheric rivers are highlighted by red arrows. (UW-CIMSS)

ACKERMAN CONSULTING

Legal and Regulatory

January 16, 2017

1. **Global Ocean Circulation:** As we have discovered, ocean circulation is a significant factor in climate and in particular rain and snow fall. A recent study in Science Advances has discovered evidence of possible dramatic changes in long term ocean activity in the Atlantic Ocean. The Atlantic meridional overturning circulation (AMOC) is a large ocean current pattern that is responsible for weather patterns in the Northern Atlantic Ocean. Cool water in the ocean sinks and is replaced by warmer water. The cooler water is moved by other currents and reappears. This action occurs all over the planet and from pole to pole. The study shows that AMOC is weakening even though the debate continues as to whether it is caused by man or nature. This study was conducted at UC San Diego. One scenario has the system collapsing in 300 years which would totally change weather as we know it. The phenomenon shows more fresh water entering the system and reducing the salt levels in the ocean. The lesser density of the fresh water changes the movement of the AMOC. The study does acknowledge that these projections are based on modeling and that changes in the factors can change the estimates.
2. **Monster Storms:** A recent MIT report indicates that the frequency of monster storms is generally increasing. In California, they estimate a threefold increase by 2100. This study concentrates on atmospheric conditions and greenhouse gas concentration. Climate increase is also a factor. The Pineapple Express in mid-December (and the current one) is used to validate their assumptions. They further opine that if actual or predicted temperature figures are reduced, the frequency of such storms would likewise be reduced.
3. **Bay Area Without Hetch Hetchy:** The source for Bay Area water, Hetch Hetchy, will be shut down for a period of at least 60 days to analyze the 175mile long system. The weak point is the Mountain Tunnel. This 19 mile conduit was built by miners almost 100 years ago and is dire need of repair or replacement. To prepare for this event, all the local water supply and treatment facilities are gearing up to increase their storage and process procedures to ensure that their customers will have adequate water during this time period. Surrounding water

districts are helping out. The fix would take about 10 years involving yearly shut downs for a few months. A collapse would require about a 270 day shutdown which they are trying to avoid.

4. **Blue Green Algae:** The State Water Board has been studying this issue for the 2016 year. Cyanobacteria, the official name of blue green algae, occurs everywhere in the world. However, California has been experiencing more than its share throughout the state. Lake Oroville, Lake Elsinore, Pyramid and Silverwood Lakes, and even El Dorado Park in Long Beach, have been impacted. The usual causes include warmer temperature, more than average nutrient levels, and reduced water flow. Thus the drought condition has seriously impacted California. One of the side effects in some cases is toxic conditions than can harm people and animals. Interestingly, not all bodies of water experience this toxic impact. Some experts believe that our current rain conditions may not solve this problem. The State intends to use satellite images from NOAA to monitor the situation.
5. **Hillsborough vs Tiered Rates:** You may recall last year when the City of San Juan Capistrano won a case challenging tiered rates being charged by their water supplier. Their theory was that it violated Proposition 218 which requires voter approval for any charges exceeding the actual cost of the service being provided. Now, some citizens in Hillsborough, a wealthy Bay Area town, have filed suit on a similar basis challenging the tiered rate structure and the fines that were levied for excessive water consumption. Hillsborough residents, historically, use about three times the average of other areas. They also had a larger mandated conservation figure, 36%, than other areas. Hillsborough water department buys its water from San Francisco at a set rate. The fee versus tax argument has been raised in this suit regarding the fines levied. The State Board hopes the courts can provide guidance in this matter as it impacts water districts throughout the State.
6. **Blob Gone!** NASAs Jet Propulsion Laboratory (JPL) has announced three factors which will impact our climate in the coming year. The Blob, as is come to be known, is gone. This phenomenon off the Northwest coast of North America which tended to block or influence storms hitting the mainland is dissolving. Many experts blame this condition for the lack of rainfall in Southern California. Next, the high pressure system existing in the southwest Pacific Ocean prevented storms from reaching So Cal. That condition is also gone. Lastly, La

Nina is also gone. With all three of these storm blockers gone, we should be able to experience normal storms patterns from all directions. Judging from our current weather, JPL may be right!! JPL does caution that the drought is not over yet. As of late December, the Drought Monitor lists 59% of California still in drought condition. That may change by the time this report is given.

7. **Property Rights Prevail In Klamath:** The Klamath Irrigation District and farmers and users in the area have prevailed in a US Court of Federal Claims action. This basin in northern California and Oregon sued the Federal Government for compensation based on a physical taking of their water rights. This is an extremely important case! The Government shut water off to these parties to protect endangered species such as the Lost River Sucker. The parties asserted their established water rights and said this was a violation and they were entitled to damages. The Government argued this was a regulatory taking and not a physical taking. Different rules apply to each. The court stated that this was not a final decision on the property right issue which would be decided at the trial. However, making a determination that this was a physical taking opening the door for damages is quite significant.
8. **Climate Change vs Trump:** Many articles have been written and more will come. The President Elect denies climate change. California is 100% behind it. Water issues are abundant. Storage, storm release, runoff, endangered species, water rights, Federal v State, groundwater management, to name a few. The Federal Government has issued many waivers to California in all kinds of areas. Will this continue? Some folks in Congress want to return more decisions to the States. Will this be one of them? Thus far, most of Trumps appointments have been heavy on conservative and business backgrounds. California has countered by hiring former US Attorney General Eric Holder to battle Trump. Definitely stay tuned.
9. **December Rain:** As of December, rainfall in Northern California was 400% of normal. Some areas were still below but most were above. Lake Tahoe was full and releasing water downstream. The Russian River was over 20 feet above normal. Ski resorts were celebrating. By the time of this report going public, all of these numbers will have increased dramatically.



DISCUSSION ITEM

January 16, 2017

TO: Board of Directors

FROM: **Public Affairs & Legislation Committee**
(Directors Barbre and Tamaribuchi)

Robert Hunter
General Manager

Staff Contact: Heather Baez

**SUBJECT: SOUTHERN CALIFORNIA WATER ISSUES CONGRESSIONAL
DELEGATION BRIEFING LUNCHEON**

STAFF RECOMMENDATION

Staff recommends the Board of Directors receives and files the report.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

BACKGROUND

As customary, MWDOC co-hosts a luncheon during the ACWA conference in Washington D.C. and has once again partnered with regional neighbors, Eastern Municipal Water District, Inland Empire Utilities Agency, and Western Municipal Water District. The luncheon is scheduled for Wednesday, March 1st. ACWA is planning a tour and boxed lunch for conference attendees at that time.

The ACWA Washington D.C. conference is scheduled for Tuesday, 02/28/2017 - Thursday, 03/2/2016 at the St. Regis Hotel. ACWA is accepting online registration for the conference through February 10, 2017. From their website:

Why Attend?

Learn firsthand the priorities of Congress and the new administration. Get the latest on the budget and funding for your programs of interest. Meet and join fellow Water Agencies to show the importance of California water issues. Be there right from the start to better develop your federal legislative and regulatory strategies.

Budgeted (Y/N): Yes	\$800/DC Luncheon & Materials	Core <u>X</u>	Choice <u> </u>
Action item amount:		Line item:	
Fiscal Impact (explain if unbudgeted):			

What Can You Expect?

Hear from Congressional leaders, top officials at EPA, Army Corps, Bureau of Reclamation and Department of Justice. Learn the 2017 agendas of members of the California Congressional Delegation. Hear from 'DC Insiders' about the 2016 elections.

UPDATE FROM LAST MONTH

The Gold Room in Rayburn House Office Building has been secured for the luncheon location. Invitations were hand delivered to each congressional office on January 12. These invitations will be followed up with calls and emails from MWDOC and its partnering agencies to encourage attendance.

Staff from MWDOC, EMWD, IEUA, LBWD, and WMWD have begun updating the briefing book and program for the event. The briefing book – which includes a brief background on the five presenting agencies – will highlight the investments and importance of reliability – with special emphasis placed on the CA WaterFix. Partner and member agency pages are due back to MWDOC no later than Friday, January 20. MWDOC will be highlighting the Orange County Reliability Study to emphasize the importance of local and regional projects on our county's water supply.

Staff from MWDOC and the partnering agencies continue to meet regularly to stay on schedule and work on outstanding issues to ensure all deadlines are met and details are being worked out.



DISCUSSION ITEM

January 16, 2017

TO: Board of Directors

FROM: **Public Affairs & Legislation Committee**
(Directors Barbre and Tamaribuchi)

Robert Hunter
General Manager

Staff Contact: Heather Baez

**SUBJECT: METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA'S
LEGISLATIVE PRIORITIES AND PRINCIPLES FOR 2017-18**

STAFF RECOMMENDATION

Staff recommends the Directors receive and file the report. No action required at this time.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

On January 10, 2017, the Metropolitan Water District of Southern California's Board of Directors considered and subsequently adopted the state and federal legislative priorities.

Attached: MWD Federal and State Legislative Priorities and Principles for 2017-18.

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core X	Choice __
Action item amount:	Line item:		
Fiscal Impact (explain if unbudgeted):			



● **Board of Directors**
Communications and Legislation Committee

1/10/2017 Board Meeting

8-4

Subject

Adopt CEQA determination and adopt Federal Legislative Priorities and Principles for 2017/18

Executive Summary

This board letter outlines the federal 2017/18 legislative priorities and principles recommended by staff for the Board's consideration and adoption.

Details

After consulting with Metropolitan member agency legislative coordinators in October 2016, member agency managers in November 2016, and discussing the item at the Board's Communications and Legislation Committee in December 2016, staff submits the following federal legislative priorities and principles for the Board's consideration and approval. Metropolitan's top federal priorities for 2017 have been included in anticipation of legislation in key policy areas during the first year of the 2017/18 session.

The federal principles for the 2017/18 session support Metropolitan's mission and incorporate its overall water supply reliability and water quality objectives. By adopting these principles, the Board sets the policy direction for staff to direct resources both legislatively and administratively.

Metropolitan's Top Federal Priorities for 2017

- Ensure Drought Contingency Plan for Colorado River is structured to protect California water rights and interests.
- Maintain funding for water science and data collection including stream gauge, water quality, salinity control, source protection and ecosystem research.
- Secure funding/financing for water infrastructure, efficiency and restoration projects and seek to exempt infrastructure from the definition of "earmark."

Federal Principles

Bay-Delta and State Water Project Improvements

- Support administrative/legislative action and federal funding to keep the Bay Delta Conservation Plan/California WaterFix on schedule to advance conveyance and ecosystem improvements to help achieve the coequal goals of water supply reliability and Delta ecosystem restoration.
- Support administrative/legislative action and funding to advance emergency response, near-term Delta improvements and expenditures to support fish monitoring activities in the Delta consistent with the coequal goals, California EcoRestore, and the California Water Action Plan.
- Support administrative/legislative action and funding to add surface and ground water storage statewide.

Colorado River Initiatives

- Support federal funding appropriations and coordination among states for continued implementation of the Lower Colorado River Multi-Species Conservation Program.
- Support federal funding for Colorado River System water conservation projects to offset the effects of extended drought conditions.
- Promote continued federal funding and coordination between states for the Colorado River Basin Salinity Control Program under the departments of Agriculture and Interior.
- Protect and preserve Metropolitan's interest in binational water conservation programs.

Federal Drought Related Legislation

- Support administrative/legislative actions to respond to drought, including funding for immediate water supply improvements, while maintaining environmental protections.
- Reflect broad, bipartisan agreement.
- Provide funding and regulatory assistance for regions affected by the drought for both immediate and long-term water projects that aid in the development, storage, treatment and delivery of water.
- Provide funding and regulatory incentives for conservation and water use efficiency measures.
- Protect SWP and local water supplies and ensure SWP and local water supply reliability.
- Support funding and administrative or legislative efforts to increase drought resiliency on the Colorado River and Bay Delta Systems.
- Work within the current federal and state Endangered Species Acts to increase operational flexibility while maintaining protections for listed species.
- Provide direction and funding to improve information about listed fish and wildlife species and water project operations in the Delta, including data collection, scientific understanding, and real-time monitoring of listed Delta species.
- Encourage use of the most current scientific data and analysis to provide enhanced flexibility for water project operations.

Regional Water Resource Management

- Continue to support and promote integrated water resources portfolio planning.
- Support administrative/legislative action to promote the development of recycled water (including indirect and direct potable reuse), stormwater, and desalination projects as water resources, without compromising the operational, financial, water quality, regulatory and customer interests of Metropolitan and other water and wastewater agencies.
- Support using water wisely in both urban and agricultural settings and strengthening local drought contingency planning.

Watershed Management

- Support legislation, regulatory proposals and partnership-based programs that provide for the development and/or public funding of watershed management plans in Southern California, the Bay-Delta and Colorado River watersheds that provide broad public benefits, including water quality, water supply reliability and environmental improvements. Funding of watershed management programs should be based on the "beneficiaries pay" principle.

Water Quality

- Support administrative/legislative action to provide for the continued transport, delivery, storage, and use of chlorine gas for disinfection. Support authorizing U.S. Environmental Protection Agency (EPA) oversight of water system security through updated vulnerability assessments and site security plans.
- Support administrative/legislative action and funding that is protective of public health, utilizes science, and incorporates benefit/cost analyses to protect and improve water quality from unacceptable risks from various constituents. Potential constituents include, but are not limited to arsenic, chromium 6, cyanotoxins, disinfection byproducts, lead, nitrate, perchlorate, perfluorinated compounds, pharmaceuticals/personal care products, uranium, and other constituents of emerging concern.
- Support administrative/legislative actions that are protective of source water quality, utilize current science and incorporate benefit/cost analyses to reduce salt and nutrient loading to source waters.
- Support administrative/legislative efforts to amend the federal Safe Drinking Water Act and that utilize current science, incorporate benefit/cost analysis, and provide adequate resources for treatment and mitigation measures.
- Support administrative/legislative action to ensure that all affected public water systems are consulted on proposed consolidations or extension of service area and that the consolidation or extension of service complies with all existing federal laws applicable to source waters.

Environmental Planning and Environmental Compliance

- Support administrative/legislative actions to improve clarity and workability of NEPA, and eliminate other duplicative state or federal processes.
- Support administrative/legislative actions for environmental compliance (e.g., air, water, hazardous materials and waste) that provide for regulatory compliance flexibility, promote consistency and reduce regulatory duplication.
- Protect Metropolitan's interests in administrative/legislative actions to ensure Metropolitan's ability to reliably operate and maintain its facilities, infrastructure and real estate assets, including rights of way necessary to access Metropolitan's facilities. These actions include, but are not limited to, land conservation measures, such as the California Desert Protection Act, and EPA's rules for "Waters of the United States" and water transfers.
- Support administrative/legislative actions to consolidate review and oversight of anadromous species protection under the Department of the Interior to eliminate duplication and increase efficiencies.
- Support administrative/legislative actions and funding for biological control, mitigation management, and control of invasive species, including, but not limited to, quagga mussels and striped bass.
- Support administrative/legislative actions pertaining to invasive species that are consistent with, and in no way interfere with, existing interstate water transfers.

Energy Sustainability

- Support efforts to ensure power costs to the State Water Project and Metropolitan are appropriate and proportional to the benefits received and that operations of the Colorado River Aqueduct are not adversely impacted.
- Encourage coordination to implement federal law that is consistent with Metropolitan's long-term contract for hydropower generated at Hoover Dam for the benefit of Arizona, Southern California and Nevada water users that rely on Hoover power to minimize costs to consumers.

- Support legislation that defines hydropower generation as renewable energy irrespective of a facility's nameplate generating capacity, and includes the provision of renewable energy credits for hydroelectric generation.
- Support legislation that removes barriers to and encourages energy sector investments in water conservation and energy management programs.

Cybersecurity

- Support associations and coalition efforts to develop standard guidance and best management practices for consistent and ongoing actions to reduce vulnerabilities in process control systems for major water system providers.

Infrastructure and Public Finance

- Support measures to reduce the cost of financing water infrastructure planning and construction, such as tax-credit financing, tax-exempt municipal bonds, an expanded Water Infrastructure Finance Innovation Act (WIFIA), Water Resources Development Act (WRDA) or similar financing mechanism that funds water supply infrastructure, including water conduits, pipelines, canals, pumping, power and associated facilities, the Environmental Infrastructure Accounts and other funding mechanisms.
- Support tax exemptions for water conservation or efficiency incentives for measures including, but not limited to, turf removal, rain barrels, cisterns, and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape.
- Support "beneficiaries pay" approach as financing mechanism for statewide projects and programs.

Federal Appropriations Priorities

Metropolitan supports funding for the following measures:

- Bay-Delta planning and implementation funding for near-term projects, including near-term and emergency response projects.
- Farm Bill/U.S. Department of Agriculture programs to support habitat projects in the Delta and agricultural water use efficiency projects in the Delta or in the Colorado River Basin.
- Colorado River Basin Salinity Control Program.
- Colorado River drought resiliency projects.
- Moab Uranium Mill Tailings Remedial Action (UMTRA) Project.
- Water quality protection initiatives (e.g., chromium 6, nitrate, perchlorate, salinity, uranium, and constituents of emerging concern).
- Biological controls, mitigation management, or control of invasive species.
- Solar retrofits and other renewable energy and conservation projects.
- Water conservation and water use efficiency programs such as the EPA WaterSense program, and other water resource projects.
- Desalination and salinity management research, including funding for the Brackish Groundwater National Desalination Research Facility through the Water Desalination Act of 1996.
- Lower Colorado River Multi-Species Conservation Program.
- Bureau of Reclamation Title XVI program and WaterSMART, including support for amending the Title XVI program into a competitive recycled water grant funding program.

- Climate change adaptation and mitigation research, including support for authorizing legislation to provide EPA grant funding for programs such as the Water Research Foundation to conduct research enabling water agencies to adapt to hydrologic changes.
- Water Resources Development Act-based Environmental Infrastructure Account.
- Federal authorization and appropriation of funds to implement the Salton Sea restoration solutions in partnership with state and local entities.

Policy

Supports Metropolitan's mission and incorporates its overall water quality and supply reliability objectives.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not defined as a project and is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination that the proposed action is not defined as a project and is not subject to CEQA, and

Adopt the Federal Legislative Priorities and Principles for 2017/18.

Fiscal Impact: None.

Business Analysis: Adoption of these legislative priorities and principles will support staff's ability to timely address concerns related to federal legislation in 2017/18.

Option #2

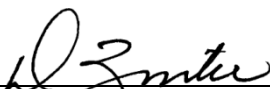
Take no action.

Fiscal Impact: None.

Business Analysis: Absence of these legislative priorities and principles could hinder staff's ability to timely address concerns related to federal legislation in 2017/18.

Staff Recommendation

Option #1



Dee Zinke
Assistant General Manager/Chief External
Affairs Officer
1/4/2017
Date



Jeffrey Kightlinger
General Manager
1/4/2017
Date

Ref# ea12654448



● **Board of Directors**
Communications and Legislation Committee

1/10/2017 Board Meeting

8-3

Subject

Adopt CEQA determination and adopt State Legislative Priorities and Principles for 2017/18

Executive Summary

This board letter outlines the state 2017/18 legislative priorities and principles recommended by staff for the Board's consideration and adoption.

Details

After consulting with Metropolitan member agency legislative coordinators in October 2016, member agency managers in November 2016, and discussing the item at the Board's Communications and Legislation Committee in December 2016, staff submits the following state legislative priorities and principles for the Board's consideration and approval. Metropolitan's top state priorities for 2017 have been included in anticipation of legislative action in key policy areas during the first year of the 2017/18 session.

The state principles for the 2017/18 session support Metropolitan's mission and incorporate its overall water supply reliability and water quality objectives. By adopting these principles, the Board sets the policy direction for staff to direct resources both legislatively and administratively.

Metropolitan's Top State Priorities for 2017

- Work to ensure steady progress on California Water Fix and EcoRestore.
- Work proactively to advance state water infrastructure financing that reflects "beneficiary pays" principle, as opposed to a fee or assessment levied solely on water agencies for funding broader public benefits.
- Advance policies that promote, rather than penalize, new local water infrastructure projects, such as recycling, and provide funding for needed research to advance new technology.
- Work to advance state policy on water use efficiency that respects local investments while updating targets beyond 2020.

State Principles

Bay-Delta and State Water Project Improvements

- Support administrative/legislative action and state funding to keep the Bay Delta Conservation Plan/California WaterFix on schedule to advance conveyance and ecosystem improvements to help achieve the coequal goals of water supply reliability and Delta ecosystem restoration.
- Support administrative/legislative action and funding to advance emergency response, near-term Delta improvements and expenditures to support fish monitoring activities in the Delta consistent with the coequal goals, California EcoRestore, and the California Water Action Plan.
- Continue support for implementation of state policies adopted as part of the 2009 Delta Reform Act and water management package, including clarification of the monitoring, reporting, and enforcement provisions related to in-Delta diversions.

- Support state funding for public share of Delta ecosystem restoration costs.
- Support state funding for public share of costs, including mitigation and rehabilitation, for multi-purpose State Water Project (SWP) facilities.
- Support administrative/legislative action and funding to add surface and ground water storage statewide.
- Oppose administrative/legislative action that would shift procurement of renewable resources to the SWP, irrespective of transmission limitations, cost and portfolio availability.

Drought-Related Legislation

- Support administrative /legislative actions to respond to drought, including funding for immediate water supply improvements, while maintaining environmental protections.
- Support legislative efforts which recognize variations among communities, regions, and counties with respect to the capability of withstanding the impacts of drought.

California Water Action Plan

- Support implementation of the Brown Administration's comprehensive water strategy, consistent with Metropolitan's goals and objectives, to ensure effective drought management and near-term actions to guide development of programs and investments to meet the state's long-term water infrastructure needs.

Regional Water Resource Management

- Continue to support and promote integrated water resources portfolio planning.
- Support administrative/legislative action to promote the development of recycled water (including indirect and direct potable reuse), stormwater, and desalination projects as water resources, without compromising the operational, financial and water quality, regulatory and customer interests of Metropolitan and other water and wastewater agencies.
- Support using water wisely in both urban and agricultural settings and strengthening local drought contingency planning.
- Ensure statutory or regulatory mandates for improving water use efficiency are fact-based and not a one-size-fits-all approach.

Watershed Management

- Support legislation, regulatory proposals and partnership-based programs that provide for the development and/or public funding of watershed management plans in Southern California, the Bay-Delta and Colorado River watersheds that provide broad public benefits, including water quality, water supply reliability and environmental improvements. Funding of watershed management programs should be based on the "beneficiaries pay" principle.

Water Quality

- Support administrative/legislative action to provide for the continued transport, delivery, storage, and use of chlorine gas for disinfection.
- Support administrative/legislative action and funding that is protective of public health, utilizes science, and incorporates benefit/cost analyses to protect and improve water quality from unacceptable risks from various constituents. Potential constituents include, but are not limited to arsenic, chromium 6, cyanotoxins, disinfection byproducts, lead, nitrate, perchlorate, perfluorinated compounds, pharmaceuticals/personal care products, uranium, and other constituents of emerging concern.
- Support administrative/legislative actions that are protective of source water quality, utilize current science and incorporate benefit/cost analyses to reduce salt and nutrient loading to source waters.

- Support administrative/legislative action to ensure that all affected public water systems are consulted on proposed consolidations or extension of service area and that the consolidation or extension of service complies with all existing state laws applicable to source waters.

Environmental Planning and Environmental Compliance

- Support administrative/legislative actions to improve clarity and workability of CEQA, and eliminate other duplicative state processes.
- Support administrative/legislative actions for environmental compliance (e.g., air, water, hazardous materials and waste) that provide for regulatory compliance flexibility, promote consistency and reduce regulatory duplication.
- Protect Metropolitan's interests in administrative/legislative actions to ensure Metropolitan's ability to reliably operate and maintain its facilities, infrastructure and real estate assets, including rights of way necessary to access Metropolitan's facilities.
- Support administrative/legislative actions and funding for biological control, mitigation management, and control of invasive species, including, but not limited to, quagga mussels and striped bass.
- Support administrative/legislative actions that require consideration of cost, local uses for recycled water, and available funding to implement programs that mandate reduction or reuse of ocean discharges.

Energy Sustainability

- Support efforts to ensure power costs to the State Water Project and Metropolitan are appropriate and proportional to the benefits received and that operations of the Colorado River Aqueduct are not adversely impacted.
- Support authorization for grant funding for energy efficiency, including programs to reduce greenhouse gases and develop renewable resources.
- Promote water-energy nexus administrative/legislative or regulatory activities that preserve Metropolitan's ability to pursue supply options and oppose constraints on supply development such as water resource loading orders based on energy intensity.
- Support legislation that defines hydropower generation as renewable energy irrespective of a facility's nameplate generating capacity, and includes the provision of renewable energy credits for hydroelectric generation.
- Support legislation that removes barriers to and encourages energy sector investments in water conservation and energy management programs.
- Pursue allocation of Cap-and-Trade auction revenues and/or free allowances from the California Air Resources Board or other administering agencies for Metropolitan and Department of Water Resources/SWP, to be used for Cap-and-Trade compliance requirements, and greenhouse gas reduction measures and related projects.

Infrastructure and Public Finance

- Support measures to reduce the cost of financing water infrastructure planning and construction that funds water supply infrastructure, including water conduits, pipelines, canals, pumping, power and associated facilities.
- Support tax exemptions for water conservation or efficiency incentives for measures including, but not limited to, turf removal, rain barrels, cisterns, and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape.
- Support "beneficiaries pay" approach as financing mechanism for statewide projects and programs.

- Oppose public goods charge or other charges levied solely on water agencies for funding broader public benefits.
- Support legislation/administrative action that deters metal theft and protects critical public water infrastructure.
- Support legislation/administrative action that would provide funding or reimbursement for water utility infrastructure expenditures to improve redundancy and reliability.

Policy

Supports Metropolitan's mission and incorporates its overall water quality and supply reliability objectives.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not defined as a project and is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination that the proposed action is not defined as a project and is not subject to CEQA, and

Adopt the State Legislative Priorities and Principles for 2017/18.

Fiscal Impact: None.

Business Analysis: Adoption of these legislative priorities and principles will support staff's ability to timely address concerns related to state legislation in 2017/18.

Option #2

Take no action.

Fiscal Impact: None.

Business Analysis: Absence of these legislative priorities and principles could hinder staff's ability to timely address concerns related to state legislation in 2017/18.

Staff Recommendation

Option #1



Dee Zinke
Assistant General Manager/Chief External
Affairs Officer
1/4/2017
Date



Jeffrey Lightinger
General Manager
1/4/2017
Date

Ref# ea12648351



DISCUSSION ITEM

January 16, 2017

TO: Board of Directors

FROM: **Public Affairs & Legislation Committee**
(Directors Barbre and Tamaribuchi)

Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: MWDOC LEGISLATIVE PRIORITIES FOR 2017

STAFF RECOMMENDATION

Staff recommends the Board of Directors provide feedback and direction to staff

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

BACKGROUND

MWDOC maintains a set of legislative policy principles that serve as guidelines for staff and our legislative advocates on issues that are of importance to the District. These principles assist District staff and its legislative advocates in the evaluation of legislation that may impact the District, its member agencies, the interests of Orange County, the Metropolitan Water District of Southern California and/ or its member agencies.

When updating the policy principles for 2017, developing a set of specific legislative priorities for the year was suggested, and the idea was agreed upon by the Board. Staff drafted three legislative priorities for 2017 with action items to achieve these goals. The 2017 legislative priorities attached have been updated after feedback received from the Board, MWDOC's legislative advocate and staff for your review.

Attached: 2017 Legislative Priorities

Budgeted (Y/N): n/a		Core <input checked="" type="checkbox"/>	Choice <input type="checkbox"/>
Action item amount:	Line item:		
Fiscal Impact (explain if unbudgeted):			

Municipal Water District of Orange County **Legislative and Regulatory Priorities for 2017**

I. Water conservation legislation and regulations that are tied to water supply conditions, have cost effectively attainable standards, and appropriately account for and regional water supply investments.

Objectives:

1. Develop consistent positions, messages, and legislative and regulatory advocacy efforts with the Metropolitan Water District of Southern California (MWD), Orange County MWD cities, and MWDOC member agencies.
2. Develop information and public education programs with MWDOC member agencies and Orange County MWD cities.
3. Secure support from the Orange County delegation.
4. Seek support of MWD, MWD member agencies, ACWA, Orange County, and the broader regulated community and coordinate of State Water Resources Control Board, legislature, and Governor.

II. Implementation of California WaterFix and EcoRestore.

Objectives:

1. Secure support from State and Federal legislative delegation, government, special district, business and environmental community for implementation of California WaterFix and EcoRestore.
2. Strengthen public information and outreach programs in Orange County to communicate the need to move ahead with both programs.
3. Secure legislative, business and environmental community support to expedite the projects.
4. Secure environmental restoration funding from past and future state water bonds.

III. State funding of Orange County water supply projects.

Objectives:

1. Identify Orange County water supply projects and priorities for state funding.
2. Secure water supply project funding in past and future bond issues, legislation, and with appropriate State agencies. Ensure all relevant prior bond issues are being utilized to their full extent.
3. Secure support from the Orange County delegation and state agencies.



DISCUSSION ITEM

January 16, 2017

TO: Board of Directors

FROM: **Public Affairs & Legislation Committee**
(Directors Barbre and Tamaribuchi)

Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: MEMBER AGENCY REQUEST FOR MWDOC TO CONVENE A WORKING GROUP TO OBTAIN FEDERAL FUNDING

STAFF RECOMMENDATION

Staff recommends the Directors review and discuss the proposal as presented and direct staff to next steps as required.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

At the January 5 MWDOC Elected Officials Meeting, Santa Margarita Board President Chuck Gibson provided written and oral comments to the MWDOC Board requesting ...”that MWDOC convene a working group of interested directors and staff to explore further how MWDOC representation in Washington D.C. can be coordinated better to strengthen members’ position to obtain grant and loan opportunities.”

With the recent passage of the Water Infrastructure Improvements for the Nation (WIIN) there is renewed opportunity for agencies looking to obtain federal funds for local and regional infrastructure projects.

Director Gibson’s suggestion to the MWDOC Board was for MWDOC to work collaboratively with its member agencies, with MWDOC taking the lead in providing a person or persons of

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core X	Choice __
Action item amount:	Line item:		
Fiscal Impact (explain if unbudgeted):			

expertise in the area of obtaining federal grants and low interest loans through the various programs available – specifically WIIN, WIFIA, Title XVI, and others where appropriate.

Attached: Santa Margarita Water District Board President Chuck Gibson comments

Remarks – SMWD President C. Gibson, Special Meeting of MWDOC January 5, 2017

Thank you for the opportunity to provide a few remarks this evening on behalf of Santa Margarita Water District – one of the largest retail water agencies among the 28 members of MWDOC.

Clearly 2017 will be a year of new challenges and opportunities. Many of the opportunities come through our association with other agencies and the good work of MWDOC. Tonight, I would like to focus on immediate opportunities that come through the \$12 billion Water Infrastructure Improvements for the Nation (WIIN) Act signed into law December 16, 2016.

My hat is off to MWDOC, its directors, particularly Director Barbre and MWDOC's team of professionals. Passage of WIIN, was due in no small part to their efforts, and of course, the collaboration of many others across California and the western U.S.

Now, to convert this success into funding for local resource projects, we need to work together even more closely, and urgently – to find the keys to funding and new financing opportunities offered under WIIN. We believe member agencies can better position themselves to take advantage of WIIN through collaboration and leveraging the resources, expertise and experience of MWDOC's leadership both locally and in Washington D.C. Specifically, we ask that MWDOC convene a working group of interested directors and staff to explore further how MWDOC representation in Washington D.C. can be coordinated better to strengthen members' position to obtain grant and loan opportunities.

This would be an important follow-on to passage of WIIN. Otherwise, as in the past, each agency will fend for themselves in getting the information and resources needed to fund important local resource projects.

WIIN contains authorizations for many of the projects Senator Feinstein included in a list developed in cooperation with MWDOC member agencies last year. Without getting into the detail of this massive legislation, we know there are both long term and short term, hot iron, opportunities available this year. Only if there is adequate coordination and collaboration among

Remarks – SMWD President C. Gibson, Special Meeting of MWDOC January 5, 2017

state and local agencies, and representatives in Washington D.C., will our membership be able to take full advantage of these opportunities.

How many of us are fully aware and prepared to take advantage of the Water Infrastructure Finance and Innovation Act (WIFIA)? Provisions of recently enacted legislation greatly expand and augment this new form of financing- allowing public and private agencies to leverage capital for water infrastructure projects. Under WIIN, the Secretary of the Treasury is directed to transfer \$70,000,000 to EPA for credit subsidies to allow EPA to immediately make secured loans for infrastructure investments under the WIFIA program. The funding covers the credit risk of secured loans issued under this program. If there is a 10% credit risk, \$70,000,000 will support loans of up to \$700,000,000.

Under separate provisions of the bill, water recycling, reuse and conservation funding has been increased by \$100 million (from \$350 million to \$450 million), This includes \$50 million for water recycling through a new Title XVI (WaterSMART) grant program that has been revised to allow new water recycling projects to get federal funding even if Congress has not authorized each specific project.

Another \$515 million will go to storage, recycling, reuse and desalination projects. These funds will help supplement California's water bond. Provisions allow federal funding to go to qualified cost-beneficial projects such as desalination, recycling, groundwater and storage projects on the same timeframe as projects funded under the state water bond. (For desalination, \$30 million is authorized for design and construction of projects.)

It would be most useful if we—MWDOC and the member agencies—were to work collaboratively on applying for WIIN funds with MWDOC taking the lead based on its significant DC resources with support as needed from the various agencies.

It's a broad concept, but if member agencies are like SMWD, we're not staffed to be truly effective on our own. Working together, we could bring some badly needed resources to work on Army Corps, water supply, storage, desalination, recycling and environmental mitigation.



ACTION ITEM
January 18, 2017

TO: Board of Directors

FROM: **Public Affairs & Legislation Committee**
(Directors Barbre and Tamaribuchi)

Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: MWDOC Legislative Policy Principles Annual Update

STAFF RECOMMENDATION

Staff recommends the Board adopt the updated legislative policy principles and provide direction to staff on the 2017 Legislative Priorities.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

MWDOC maintains a set of legislative policy principles that serve as guidelines for staff and our legislative advocates on issues that are of importance to the District. The policy principles attached are a culmination of current policies and initial changes recommended by staff and directors.

These principles assist District staff and its legislative advocates in the evaluation of legislation that may impact the District, its member agencies, the interests of Orange County, the Metropolitan Water District of Southern California and/ or its member agencies. Having such principles in place allow the District to respond to certain types of legislation in a timely manner; however in cases where issues are not clear or have complicated implications will be presented to the Board for further guidance.

Budgeted (Y/N): n/a	Budgeted amount:	Core x	Choice __
Fiscal Impact (explain if unbudgeted):			

At the November PAL meeting, the Committee directed staff to clean up some of the language that wasn't clear, place the 2017 Legislative Priorities on a separate page and include action items for the priorities. Those changes have been made and are attached for your review and action.

Changes are shown as follows:

Additions are *italicized*

Deletions are ~~crossed through~~

Member Agency suggested changes are underlined

In October 2016, staff began soliciting input from the member agencies through the general managers and other participating city staff via the MWDOC Member Agencies Managers and Legislative Coordinators group. Additional follow-up was made by staff encouraging participation, however, only Irvine Ranch Water District provided feedback.

At the November PAL Committee meeting staff was directed to place the 2017 Legislative Priorities on a separate page with action items supporting how the priorities would be achieved.

Based on this direction, staff with the assistance of MWDOC's Sacramento advocate Syrus Devers, further developed the 2017 Legislative Priorities with action items. Staff convened a meeting with the directors on the PAL Committee, however there was not consensus on the 2017 priorities and action items. There was agreement on the top two priorities: California WaterFix and the implementation of the permanent drought regulations – some felt those two were enough, while others felt we needed additional priorities.

At the December PAL Committee meeting, further direction was provided and the appropriate changes have been made and brought back for action this month as directed. This includes moving the 2017 Legislative Priorities to a separate action item, not to be bundled with the Policy Principles.

Attached: Municipal Water District of Orange County Legislative and Regulatory Policy Principles

NOTE: Additions are in *italics*, deletions are in ~~striketrough~~ font, member agency suggestions are underlined, Director suggestions are notated with an asterick (**).

Municipal Water District of Orange County **Legislative and Regulatory Policy Principles**

IMPORTED WATER SUPPLY

It is MWDOC's policy to support legislation *and regulation* that:

- 1) Ensures the implementation of a state water plan that balances California's competing water needs and results in a reliable supply of high- quality water for Orange County.
- 2) Facilitates the implementation of the California WaterFix *and EcoRestore*, the co- equal goals of reliable water supply and ecosystem restoration, and related policies that provide long term, comprehensive solutions for the San Francisco Bay/Sacramento-San Joaquin River Delta that:
 - a) Provides reliable water supplies to meet California's short- and long- term needs;
 - b) Improves the ability to transport water across the Delta either for, or in supplement to, State Water Project deliveries;
 - c) Improves the quality of water delivered from the Delta;
 - d) Enhances the Bay-Delta's ecological health in a balanced manner that takes into account all factors that have contributed to its degradation;
 - e) Employs sound scientific research and evaluation to advance the co-equal goals of improved water supply and ecosystem sustainability.
- 3) Funds a comprehensive Bay-Delta solution in a manner that equitably apportions costs to all beneficiaries.
- 4) Seeks to expedite the California WaterFix *and EcoRestore* to improve water reliability and security.
- 5) Provides funding for Colorado River water quality and supply management efforts.
- 6) Provides conveyance and storage facilities that are cost-effective for MWDOC and its member agencies, while improving the reliability and quality of the water supply.
- 7) Authorizes and appropriates the federal share of funding for the California WaterFix *and EcoRestore* ~~Bay-Delta solution~~.

8) Authorizes and appropriates the ongoing state share of funding for the California WaterFix and EcoRestore Bay-Delta solution.

It is MWDOC's policy to oppose legislation or regulation that:

1) Would make urban water supplies less reliable, or would substantially increase the cost of imported water without also improving the reliability and/ or quality of such water.

2) Imposes water user fees to fund ~~Bay-Delta ecosystem restoration and other public purposes~~, non-water supply improvements in the Delta region or user fees that are not proportional to the benefits received from a Delta region water supply improvement.

3) *Delays implementation of the California WaterFix.*

4) *Would impose conservation mandates that do not account for the unique local water-supply circumstances of each water district.*

LOCAL WATER RESOURCES

It is MWDOC's policy to support legislation and regulation that:

1) Supports the development of, provides funding for, and authorizes and/or facilitates the expanded use of, water recycling, potable reuse, conservation, groundwater recovery and recharge, storage, brackish and ocean water desalination and surface water development projects where the beneficiaries of the project pay for the portions of the project not funded by state or federal funds.

2) Recognizes that recycled water is a valuable resource that should be evaluated for economic justification, permitted and managed as such.

3) ~~Authorizes local governmental agencies to regulate the discharge of contaminants to the sewer collection system that may adversely affect water recycling and reuse.**~~

4) Reduces and/or streamlines regulatory burdens on water recycling projects and brackish and ocean water desalination projects, *and provides protections for the use of these supplies during water supply shortages by exempting them from state mandated reductions.*

5) Supports ecosystem restoration, increased stormwater capture and sediment management activities that are cost-effective and enhance the quality or reliability of water supplies important to Orange County at Prado Dam.

6) Authorizes, promotes, and/or provides incentives for indirect and direct potable reuse projects and provides protections for the use of local supply projects during water shortages by exempting them from state mandated reductions.

7) Recognizes that the reliability of supplies to the end user is the primary goal of water suppliers.

8) Ensures that decision-making with regard to stormwater management and recapture is kept at the local or regional level through local water agencies, stormwater districts, cities, counties, and regional water management groups.

9) Recognizes that stormwater management and recapture are important tools in a diversified water portfolio that can help to achieve improved water quality in local surface and groundwater supplies, and augment surface and groundwater supplies for local water agencies.

10) Reduces or removes regulatory hurdles that hinder the use of stormwater.

11) Provides incentives for the local or regional use of stormwater management and recapture.

12) Support changes that allow local water agencies to request and require federal agencies to evaluate the reoperation of reservoirs to provide an enhancement in water supplies.

13) Support changes in the Water Reform and Development Act (WRDA) to include environmental infrastructure projects as projects the Army Corps of Engineers must consider in its Report to Congress.

14) *Allows Investor Owned Utilities to invest in redundancy and reliability projects.* **

It is MWDOC's policy to oppose legislation or regulation that:

1) Restricts a local governmental agency's ability to develop their local resources in a manner that is cost-effective, environmentally sensitive, and protective of public health.

2) Imposes barriers to the safe application of recycled water and continues to define recycled water as a waste.

3) Would make urban water supplies less reliable, or would substantially increase the cost of imported water without also improving the reliability and/ or quality of such water.

4) Restricts or limits a local governmental agency's ability to establish local priorities for water resources planning decisions.

5) Reduces a local agency's ability to fully benefit from local investments in drought-proof or emergency water supplies during water shortages.

~~6) Requires a local agency to investment in water supplies that are not cost effective, given it other supply options, or that it determines are not needed to enhance water supply reliability for its customers.~~

~~6) Threatens investments in local water supplies and water supply reliability by limiting agency discretion and local decision making authority by requiring investments in certain types of supply above others, or by Providing Provides state or federal funding to water supply or reliably projects which would have a negative impact on local water supplies.~~

~~7) Allocations of federal or state funding for water supply projects where water reliability improvements are achieved in a geographic region at the expense or detriment of local Orange County supplies.~~

WATER USE EFFICIENCY

It is MWDOC's policy to support legislation *and regulation* that:

- 1) Furthers the statewide goal of a 20% reduction in per capita water use by 2020 as set forth in SBx7-7, enacted in November 2009.
- 2) Would allow flexibility and options for compliance in achieving statewide water reduction goals.
- 3) Seeks to cost-effectively improve water efficiency standards for water-using devices.
- 4) Provides loans and grants to fund incentives for water conserving devices or practices.
- 5) Advances and ensures accurate reporting of the implementation of water efficiency measures of the Best Management Practices (BMPs) for the California Urban Water Conservation Council's Memorandum of Understanding.
- 6) Reasonably improves landscape water use efficiency and Commercial, Institutional and Industrial (CII) water use efficiency programs while preserving community choice and the local economy.
- ~~7) Requires individual or sub-metering to be built in new construction of multiple unit residential buildings.~~
- 8) Encourages stakeholders to investigate and develop regionally appropriate statewide landscape water conservation standards and regulations that incorporate local land use and climate factors.
- 9) Provides incentives, funding, and other assistance where needed to facilitate market transformation and gain wider implementation of water-efficient indoor and outdoor technologies and practices.
- 10) Provides incentives, funding, and other assistance where needed to facilitate water use efficiency partnerships with the energy efficiency sector.
- 11) Recognizes past investments in water use efficiency measures, especially from the demand hardening perspective.

It is MWDOC's policy to oppose legislation *or regulations* that:

- 1) Fails to ensure balance in the implementation of water efficiency practices and requirements for both urban and agricultural use.
- 2) Would repeal cost-effective efficiency standards for water-using devices.
- 3) *Diminishes local agency control or flexibility in implementing water efficiency practices or standards.*
- 4) Places unreasonable conservation measures on commercial, industrial and institutional customers that would negatively impact or limit the potential for economic growth.
- 5) Fails to recognize the importance of both water use efficiency and water supply development.

WATER QUALITY

It is MWDOC's policy to support:

- 1) Legislation that protects the quality of surface water and groundwater including the reduction of salt loading to groundwater basins.
- 2) Funding that helps agencies meet state and federal water quality standards.
- 3) The establishment and/ or implementation of standards for water-borne contaminants based on sound science and with consideration for cost-effectiveness.

It is MWDOC's policy to oppose:

- 1) Legislation that could compromise the quality of surface water and groundwater supplies.
- 2) Legislation that establishes and/ or implements standards for water-borne contaminants without regard for sound science or consideration for cost effectiveness.
- 3) Projects that negatively impact the water quality of existing local supplies.

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

It is MWDOC's policy to oppose legislation that:

- 1) Compromises the existing governance structure and the representation of member agencies on the Metropolitan Water District Board of Directors.
- 2) Would restrict MET's rate-making ability.

WATER TRANSFERS

It is MWDOC's policy to support legislation *and regulation* that:

- 1) Encourages and facilitates voluntary water transfers.
- 2) Provides appropriate protection or mitigation for impacts on the environment, aquifers, water-rights holders and third-parties to the transfer including those with interests in the facilities being used.
- 3) Legislation that encourages transfers which augment existing water supplies, especially in dry years.

It is MWDOC's policy to oppose legislation *or regulation* that:

- 1) Undermines the operations and maintenance of the conveyance system conveying the water.
- 2) Interferes with the financial integrity of a water utility and compromises water quality.
- 3) Increases regulatory or procedural barriers to water transfers at the local or state level.

WATER INFRASTRUCTURE FINANCING

It is MWDOC's policy to support legislation *and regulation* that:

- 1) Employs a "beneficiary pays" principle that establishes a clear nexus between the cost paid to the direct benefit received. Likewise, those who do not benefit from a particular project or program should not be required to pay for them.
- 2) Establishes grants or other funding opportunities for local and regional water infrastructure projects.
- 3) Considers local investments made in infrastructure, programs, mitigation and restoration in determining appropriate cost shares for water infrastructure investments.
- 4) Would reduce the cost of financing water infrastructure planning and construction, such as tax-credit financing, tax-exempt municipal bonds, Water Resources Development Act (WRDA), Water Infrastructure Finance Innovation Act (WIFIA), the Environmental Infrastructure Accounts and other funding mechanisms.

It is MWDOC's policy to oppose legislation *or regulation* that:

- 1) Establishes a fee or tax that does not result in a clear benefit to the District, its member agencies, and their customers.
- 2) Would reduce the total available water infrastructure financing measures such as WIFIA, state-revolving funds, and others.

ENERGY

It is MWDOC's policy to support legislation *or regulation* that:

- 1) Facilitates the development and expansion of clean, renewable energy in California, including hydropower.
- 2) Supports water supply reliability as the primary focus of water agencies and energy intensity of water supplies as a secondary factor.
- 3) Recognizes the role and value of the water industry investment in water use efficiency and therefore recognizes WUE efforts towards greenhouse gas reduction, including funding such activities.
- 4) Recognizes hydroelectric power as a clean, renewable energy source and that its generation and use meets the greenhouse gas emission reduction compliance requirements called for in the Global Warming Solutions Act of 2006 (AB 32).
- 5) Facilitates voluntary and cost effective local investments in renewable energy, energy management and storage, and energy efficiency which improve the water-energy nexus and reduce local agency costs.

FISCAL POLICY

It is MWDOC's policy to support legislation *or regulation* that:

- 1) Requires the federal and state governments to provide a subvention to reimburse local governments for all mandated costs or regulatory actions.

It is MWDOC's policy to oppose legislation *or regulation* that:

- 1) Is inconsistent with the District's current investment policies and practices.
- 2) Pre-empts the District's ability to impose or change water rates, fees, or assessments.
- 3) Impairs the District's ability to maintain levels of reserve funds that it deems necessary and appropriate.
- 4) Impairs the District's ability to provide services to its member agencies and ensure full cost recovery.
- 5) Makes any unilateral reallocation of District revenues, or those of its member agencies, by the state unless the state takes compensatory measures to restore those funds.
- 6) Would impose mandated costs or regulatory constraints on the District or its member agencies without reimbursement.
- 7) Mandates a specific rate structure for retail water agencies.

8) Imposes a “public goods charge” or “water tax” on public water agencies or their ratepayers.

GOVERNANCE

It is MWDOC's policy to support legislation *or regulation* that:

1) Advances good government practices and public transparency measures in a manner that does not take a "one-size fits all" approach, respects local government control, and facilitates technological efficiencies to meet state reporting and disclosure requirements.

It is MWDOC's policy to oppose legislation *or regulation* that:

1) Advances local government reform measures by imposing unnecessarily broad burdens upon all local governments, particularly when there is no demonstration of rampant and wide-spread violations of the public trust.

2) Shifts state programs, responsibilities and costs to local governments without first considering funding to support the shift.

3) Seeks to limit or rescind local control.

4) Reduces or diminishes the authority of the District to govern its affairs.

5) Imposes new costs on the District and the ratepayers absent a clear and necessary benefit.

6) Resolves state budget shortfalls through shifts in the allocation of property tax revenue or through fees for which there is no direct nexus to benefits received.

PUBLIC EMPLOYEE PENSION REFORM

It is MWDOC's policy to support legislation that:

1) Seeks to contain or reform public employee pension and other post-employment benefit (OPEB) cost obligations that are borne by public agencies via taxpayers and ratepayers.

**INFORMATION ITEM**

January 16, 2017

TO: Board of Directors**FROM:** **Public Affairs Legislative Committee**
(Directors Barbre and Tamaribuchi)

Robert Hunter, General Manager Staff: Jonathan Volzke/Laura Loewen

SUBJECT: **Education Report****STAFF RECOMMENDATION**

Staff recommends the Board of Directors receive and file report.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

For our “What About Water” high school water education program, staff from Inside the Outdoors have completed the “first visit” program in 6 of our schools so far. A new component has been added to the first visit this year. Staff from the supporting agency is invited to attend the school visit to give the students a brief introduction on the water agency and career opportunities in the water world. To date, staff and elected officials from the City of Anaheim, El Toro Water District, South Coast Water District and Mesa Water District have attended the program at their respective high school. MWDOC staff has also supported the member agencies’ staff at these visits.

Also, three more Soil and Water Conservation Merit Badge Clinics have been scheduled for this year.

- February 11, 2017 at Orange County Water District
- April 1, 2017 at Irvine Ranch Water District
- August 26, 2017 at Santa Margarita Water District

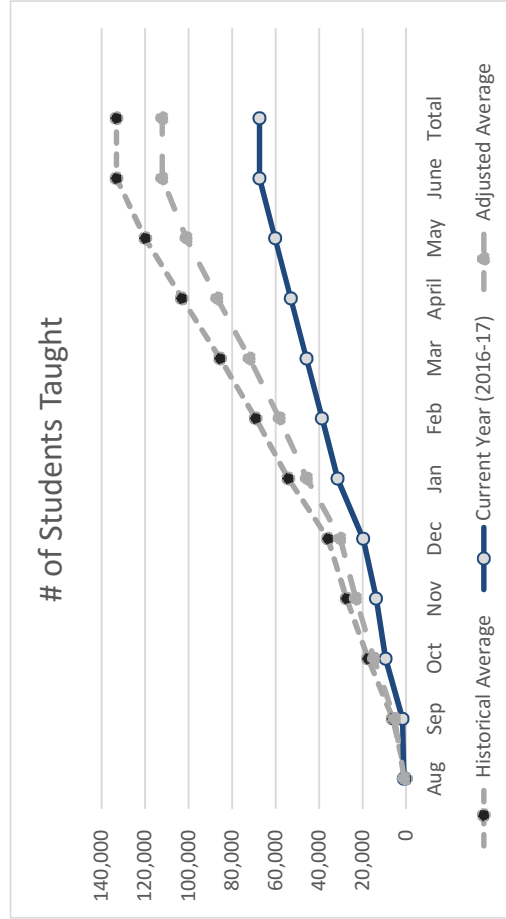
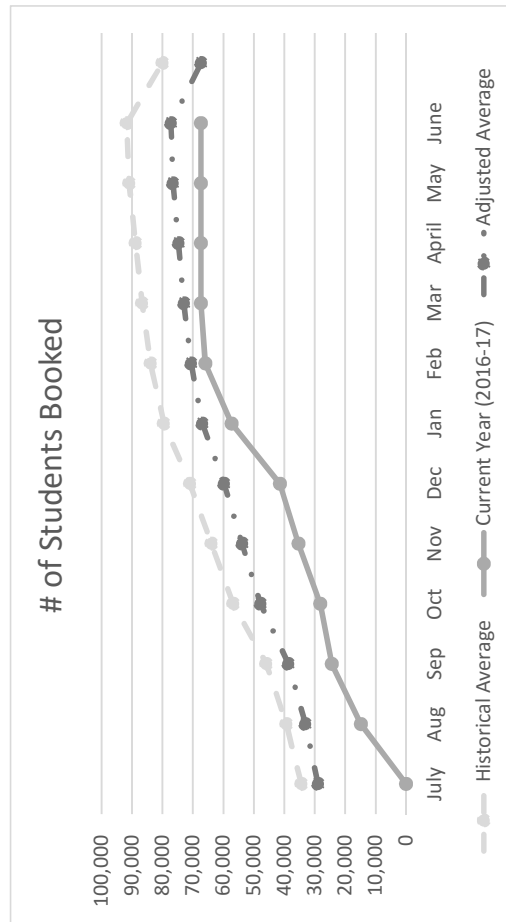
Registration for the first two clinics has been filled with 80 Scouts per clinic. In addition, staff sent a survey to scouts that participated at the clinic held at El Toro Water District on December 3. One of the questions asked, “Would you have sought to earn this merit badge had we not offered this clinic?” Interestingly, 88 percent of the scouts said no, they would not sought to get to the badge without this clinic.

Budgeted (Y/N):	Budgeted amount:	Core	Choice _
Action item amount:	Line item:		
Fiscal Impact (explain if unbudgeted):			

2016-17 Water Education School Program

# of Students Booked	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Target
Historical Average	34,405	39,319	45,932	56,810	63,941	70,987	79,505	83,866	86,664	88,802	90,948	91,718	80,000
Adjusted Average	28,969	33,107	38,675	47,835	53,839	59,772	66,944	70,616	72,972	74,772	76,579	77,228	67,361
Current Year (2016-17)	0	14,904	24,401	28,237	35,348	41,436	57,337	65,929	67,361	67,361	67,361	67,361	67,361

# of Students Taught	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total
Historical Average	0	6,187	17,511	27,477	36,002	54,253	69,147	85,532	103,121	119,958	133,156	80,000
Adjusted Average	909	5,209	14,744	23,136	30,314	45,682	58,222	72,019	86,829	101,006	112,119	112,119
Current Year (2016-17)	1,080	1,681	9,521	13,856	19,810	31,522	38,690	45,858	53,026	60,194	67,361	67,361



* Total is reduced from 80,000 because all participants receiving keypad program.

Agency	School Name	Presentation Date
Anaheim, City of	Revere (Paul) Elementary School	9/7/2016
Fullerton, City of	Acacia Elementary School	9/8/2016
Orange, City of	Linda Vista Elementary School	9/8/2016
Anaheim, City of	Edison (Thomas) Elementary School	9/9/2016
Orange, City of	Palmyra Elementary School	9/12/2016
Anaheim, City of	Lincoln (Abraham) Elementary School	9/13/2016
Garden Grove, City of	Barker (Loyal) Elementary School	9/14/2016
Anaheim, City of	Disney (Walt) Elementary School	9/19/2016
Anaheim, City of	Orange Grove Elementary School	9/19/2016, 9/20/16, 9/26/2016
Anaheim, City of	Woodcrest Elementary School	9/21/2016
El Toro	Grace Christian School Lake Forest	9/23/2016
Anaheim, City of	Hansen Elementary	9/23/2016
Fullerton, City of	Sunset Lane Elementary School	9/29/2016
Santa Ana, City of	Walker Elementary School	9/30/2016
Moulton Niguel	Wood Canyon Elementary	9/30/2016

Elementary Schools Assemblies - October

Agency	School Name	Presentation Date
Yorba Linda	Melrose Elementary School	10/3/2016
Moulton Niguel	Canyon Vista Elementary School	10/3/2016
El Toro	San Joaquin Elementary School	10/5/2016
Brea, City of	Mariposa Elementary School	10/11/2016, 10/18/2016
Buena Park, City of	Emery (Charles G) Elementary School	10/11/2016
Huntington Beach, City of	Sun View Elementary School	10/11/2016
Anaheim, City of	Marshall (John) Elementary School	10/12/2016, 10/19/2016
Santa Ana, City of	Garfield Elementary School	10/13/2016, 10/14/2016
Anaheim, City of	Jefferson (Thomas) Elementary School	10/13/2016
Westminster, City of	Star View Elementary School	10/14/2016
Huntington Beach, City of	Huntington Seacliff Elementary School	10/14/2016
Yorba Linda	Lakeview Elementary School	10/17/2016
El Toro	Del Cerro Elementary School	10/17/2016
Tustin, City of	Red Hill Elementary School	10/24/2016
Santa Ana, City of	Russell Elementary School	10/24/2016
Anaheim, City of	Danbrook Elementary School	10/25/2016, 10/26/2016
Orange, City of	McPherson Magnet Elementary School	10/27/2016

Elementary Schools Assemblies - November

Agency	School Name	Presentation Date
San Juan Capistrano, City of	Kinoshita Elementary School	11/3/2016, 11/4/2016
Anaheim, City of	Edison (Thomas) Elementary School	11/4/2016
Anaheim, City of	Reid (Twila) Elementary School	11/7/2016, 11/16/2016
Anaheim, City of	Canyon Rim Elementary School	11/7/2016
Anaheim, City of	Crescent Elementary School	11/7/2016, 11/14/2016
Huntington Beach, City of	Village View Elementary School	11/7/2016
Tustin, /city of	Thorman Elementary School	11/14/2016
Garden Grove, City of	Garden Park Elementary School	11/14/2016, 11/15/2016
Huntington Beach, City of	Moffett (SA) Elementary School	11/18/2016
Westminster, City of	Anthony (Susan B) Elementary School	11/18/2016
Mesa Water	Whittier Elementary	11/22/2016
La Habra, City of	Walnut Elementary School	11/28/2016
Serrano Water	Villa Park Elementary School	11/28/2016
Garden Grove, City of	Peters (Ocia A) Elementary School	11/29/2016, 11/30/2016

Elementary Schools Assemblies - December

Agency	School Name	Presentation Date
Tustin, City of	Red Hill Elementary School	12/1/2016
Golden State Water Company	Morse Elementary School	12/2/2016
Anaheim, City of	Canyon Rim	12/5/2016
Serrano Water	Serrano Elementary School	12/5/2016
Mesa Water	Rea (Everett A.) Elementary	12/5/2016
Tustin, City of	Guin Foss Elementary School	12/7/2016
Anaheim, City of	Powell (Baden) Elementary School	12/8/2016
Fullerton, City of	Acacia Elementary School	12/8/2016
Garden Grove, City of	Cook (A.J.) Elementary School	12/8/2016
Santa Ana, City of	Monroe Elementary School	12/9/2016
Buena Park, City of	Gilbert (Carl E) Elementary School	12/9/2016
Golden State Water Company	Brookhaven Elementary School	12/12/2016
Huntington Beach, City of	Oak View Elementary School	12/12/2016
Anaheim, City of	Westmont Elementary	12/12/2016
Garden Grove, City of	Meairs (Iva) Elementary School	12/13/2016
Fountain Valley, City of	Gisler (Robert) Elementary School	12/14/2016
Moulton Niguel	Montevideo Elementary	12/14/2016
Yorba Linda	Ruby Drive Elementary	12/16/2016

Elementary Schools Assemblies - January

Agency	School Name	Presentation Date
Tustin, City of	Guin Foss Elementary School	1/4/2017
Garden Grove, City of	Hill (Merton E.) Elementary School	1/5/2017, 1/6/2017
Brea, City of	Brea Country Hills Elementary School	1/10/2017, 1/17/2017
Buena Park, City of	Emery (Charles G) Elementary School	1/10/2017
Moulton Niguel	Laguna Niguel Elementary School	1/10/2017
Huntington Beach, City of	Lake View Elementary School	1/10/2017
La Habra, City of	Las Lomas Elementary School	1/11/2017
San Clemente, City of	Las Palmas Elementary School	1/13/2017
La Palma, City of	Los Coyotes Elementary School	1/13/2017
Huntington Beach, City of	Clegg (Ada) Elementary School	1/13/2017
Santa Margarita	Ladera Ranch Elementary School	1/20/2017
South Coast	Dana Elementary School	1/23/2017
Santa Margarita	Chaparral Elementary	1/25/2017
Santa Margarita	Melinda Heights Elementary School	1/26/2017
Huntington Beach, City of	Saint Bonaventure Catholic School	1/30/2017
Mesa Water	Kaiser Elementary School	1/30/2017
Moulton Niguel	Linda Vista Elementary School	1/31/2017

Elementary Schools Assemblies - February

Agency	School Name	Presentation Date
Moulton Niguel	Bergeson (Marian) Elementary School	2/2/2017, 2/3/2017
Buena Park, City of	Dysinger (Glen H) Elementary School	2/6/2017
Fullerton, City of	Hermosa Drive Elementary School	2/6/2017
El Toro	Abiding Savior Lutheran School	2/7/2017
La Habra, City of	Sierra Vista Elementary School	2/9/2017
Westminster, City of	Hayden Elementary School	2/9/2017, 2/10/2017
San Clemente, City of	Benedict Elementary School	2/13/2017, 2/14/2017
Orange	Holy Family Cathedral School	2/28/2017

Elementary Schools Assemblies - March

Agency	School Name	Presentation Date
Fountain Valley, City of	Courreges (Roch) Elementary School	3/1/2017, 3/8/2017
Huntington Beach, City of	Saints Simon and Jude Elementary School	3/2/2017
Huntington Beach, City of	Hawes (Ralph E) Elementary School	3/8/2017
Tustin, City of	Veeh (Marjorie) Elementary School	3/9/2017
Yorba Linda Water District	Bryant Ranch Elementary School	3/9/2017
Orange, City of	West Orange Elementary School	3/9/2017
Moulton Niguel	Bergeson Elementary School	3/17/2017
Santa Margarita	Ladera Ranch Elementary School	3/17/2017
Santa Margarita	Reilly (Philip J) Elementary School	3/17/2017
Anaheim, City of	Maxwell (Mattie Lou) Elementary School	3/21/2017
Tustin, City of	Saint Cecilia Elementary School	3/21/2017
Fullerton, City of	Pacific Drive Elementary School	3/22/2017
Santa Margarita	Tijeras Creek Elementary School	3/23/2017
Moulton Niguel	Malcom Elementary	3/29/2017
Orange, City of	West Orange Elementary School	3/29/2017

Elementary Schools Assemblies - April

Agency	School Name	Presentation Date
Moulton Niguel	Saint Anne School Laguna Niguel	4/6/2017
Orange, City of	Taft Elementary	4/14/2017
San Juan Capistrano, City of	Saddleback Valley Christian School	4/27/2017
South Coast Water District	Saint Catherine of Siena Parish	4/24/2017

Elementary Schools Assemblies - May

Agency	School Name	Presentation Date
Tustin, City of	Loma Vista	5/2/2017
Anaheim, City of	Anaheim Hills Elementary School	5/26/2017
Golden State Water	Glenknoll Elementary School	5/30/2017

Agency	School Name	Presentation Date
Mesa Water	Paularino Elementary	6/5/2017
Mesa Water	Adams Elementary	6/6/2017
Santa Margarita	Trabuco Mesa Elementary	6/9/2017
Santa Ana, City of	Adams Elementary	6/12/2017

WHAT ABOUT WATER?

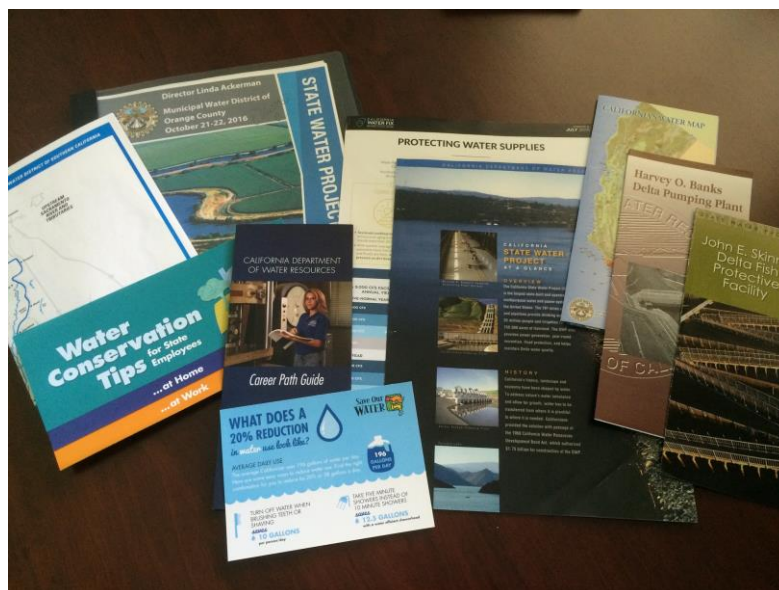
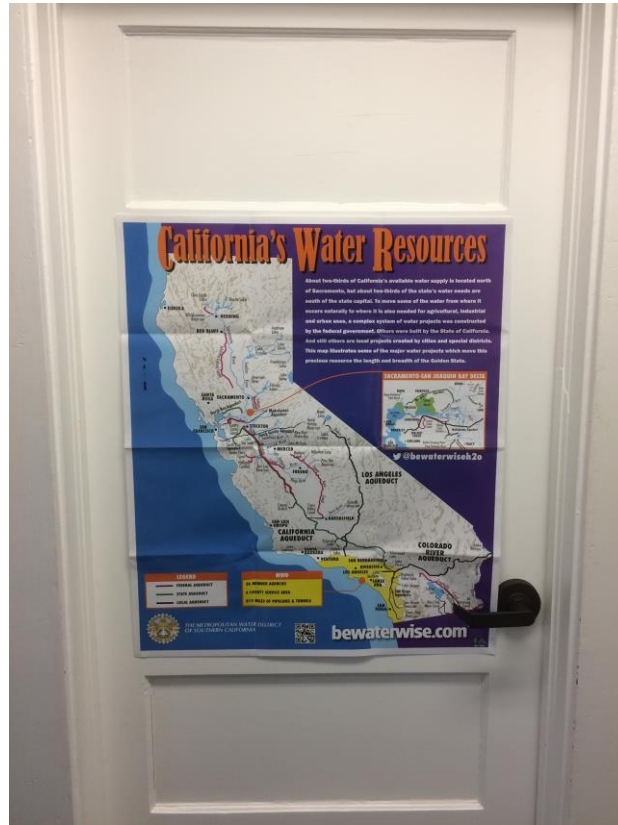
Monthly Report
Presented by



December 2016



Shared Resources



Monthly Report December 2016



What About Water? - Inside the Outdoors School Visits									
Year 2 - 2016/2017									
Agency	High School	1st Visit - student	1st Visit Enrollment	2nd Visit - student	2nd Visit Enrollment	School Expo	Expo School Enrollment	Total Students	Notes
Anaheim	Anaheim High School	1/9/17		2/6/17		3/8/17			Confirmed
City of Brea	Brea Olinda High School	5/15/17		5/22/17		6/6/17			Confirmed
City of Buena Park	Buena Park High School								Dates have been sent, waiting for confirmation, Ag. Teachers
City of Fountain Valley	Harbor Learning Center								Principal to confirm dates by 12/9
City of Huntington Beach	Talbert Middle School	1/11/17		2/17/17		4/7/17			Confirmed
City of San Clemente	San Clemente High School	4/10/17		4/25/17		5/3/17			Confirmed
City of San Juan Capistrano	San Juan Hills High School								New teacher contact
City of Tustin	Columbus Middle School	12/9/16	187	1/13/17		tbd			Confirmed
East Orange WD	Tustin High School								Waiting on teacher referral
East Orange WD	Foothill High School	12/12/16	50	2/9/17		4/5/17			Confirmed
El Toro	El Toro High School	2/24/17		3/17/17		4/6/17			Confirmed
El Toro	Los Alisos Junior High								New administration, Sherri is assisting
Garden Grove	Pacifica High School								Waiting on teacher referral
Golden State	Valencia High School	2/2/17		2/14/17		2/28/17			Confirmed
Golden State	Los Alamitos High School	1/31/17		3/22/17		tbd			Expos will be scheduled with their STEM fair
Mesa Water	Costa Mesa High School	11/9/16	53	11/18 & 1/25	50	4/24/17			Confirmed
Moulton Niguel	Aliso Niguel High School								Waiting on teacher referral
Moulton Niguel	Laguna Hills High School								Teacher confirmed, confirming meeting
Moulton Niguel	Capistrano Valley High School								Waiting for a new teacher contact
Moulton Niguel /Santa Margarita WD	Mission Viejo High School	1/18/17		2/1/17		tbd			Confirmed
Santa Ana	Rio Contiguo School								Working with Principal for dates
Santa Margarita WD	Tesoro High School	4/18/17		5/2/17		5/16/17			Confirmed
South Coast WD	Dana Hills High School	12/1/16	66	3/27/17		tbd			Confirmed
Total		356		50		0		0	
Teacher Workshops	MET @ OCDE	12/10/16						Total	
								0	
Student Summits								Total	
								0	
tbd = verbal confirmation, pending calendar dates									



INFORMATION ITEM

January 16, 2017

TO: Public Affairs & Legislation Committee
(Directors Barbre & Tamaribuchi)

FROM: Robert Hunter, General Manager

Staff Contact: Karl Seckel

**SUBJECT: Summary of Environmental Leaders Bay-Delta Workshop on
December 8, 2016**

STAFF RECOMMENDATION

Staff recommends the Public Affairs & Legislation Committee receives and files the report.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

The group invited to the December 8 meeting had taken a tour of the Delta and discussed habitat and fisheries restoration efforts in the Delta in September. The overall purpose of these meetings was to foster a scientific-based discussion of Delta conditions and issues within a diverse group of environmental leaders, the research community and water providers. A fundamental assumption was that the environmental community and the water providers have a common goal concerning the health of the fish populations and supporting habitat/food conditions since the ability to pump water is intrinsically linked to these factors.

The purpose of the December workshop was to continue with open, constructive dialog regarding a scientific based examination of Delta issues, what “reconciliation” of the Delta is and how it can move forward. The suggested end-vision was a list of “next steps action items” that can be supported to productively move towards the future Delta.

Budgeted (Y/N): No	Budgeted amount: \$3,000	Core ✓	Choice __
Action item amount: n/a		Line item:	
Fiscal Impact (explain if unbudgeted): The costs of this effort will be split 50/50 with MET; the total budgeted costs were \$3,000.			

Attendees included:

1.	Steve Bone	Coastkeeper
2.	Ray Hiemstra	Coastkeeper
3.	Megan Brosseau	Inland Empire Waterkeeper
4.	Garry Brown	Coastkeeper
5.	Katherine Pease	Heal the Bay
6.	Sean Bothwell	California Coastkeeper Alliance
7.	Tom Raftican	Sportfishing Conservancy
8.	Shelly Luce	Environment Now
9.	Caryn Mandelbaum	Environment Now
10.	Ian Wren	San Francisco Baykeeper
11.	Ben Eichenberg	Attorney from SF Baykeeper
12.	Dr. Peter Moyle	UC Davis Center for Watershed Science
13.	Dr. Rene Henery	California Science Director for Trout Unlimited (TU), and Assistant Research Professor at the University of Nevada, Reno (UNR)
14.	Jon Bureau	Project Chief U.S. Geological Survey
15.	David Okita	California Natural Resources Agency, Director of Ecosystem Restoration
16.	Dr. Jerry Meral	Natural Heritage Institute (NHI), Director of NHI's California Water Program
17.	Sat Tamaribuchi	MWDOC Director
18.	Rob Hunter	MWDOC GM
19.	Karl Seckel	MWDOC AGM
20.	Randall Nuedeck	Metropolitan
21.	Alison Collins	Metropolitan
22.	Curt Schmutte	Metropolitan
23.	Carolyn Schaefer	Metropolitan

Presentations were made by:

- Dr. Peter Moyle
- Dr. Rene Henery
- Jon Bureau
- David Okita
- Dr. Jerry Meral

Short summaries of their presentations follow:

Why we need Reconciliation Ecology by Dr. Peter Moyle

TEN REALITIES OF THE DELTA by Peter Moyle

Reality #1. Water will continue to be diverted & exported from Delta

Reality #2. The historic Delta ecosystem cannot be restored

Reality #3. Delta is poor habitat for 'important' fishes

Reality #4. We know a lot about the Delta ecosystem

Reality #5 Major changes will take place in the Delta in next 50 years

Reality #6 Alien species change ecosystems

Reality #7. Climate change will alter the Delta ecosystem

Reality #8. A Delta variable in time and space is best for native fishes; must rethink present system

Reality #9. Delta ecosystems are Novel Ecosystems that include altered habitats, native & alien species and people (as part of ecosystem) - we are in charge

Reality #10. Without compromise & vision “we will fail into a solution” (J. Lund)

Elements of a solution (Moyle et al. 2012)

- Recognize natural constraints for management
- Specialize different areas of Delta
- Use levees, channels, flow alteration for ecosystem management
- Recognize ‘restoring’ desirable attributes takes time (decades)
- Effective system of adaptive management

Reconciled Delta: specialization (three novel ecosystems)

- North Delta (arc)
 - Salmon, smelt, striped bass,
 - River + tidal habitat
- Central Delta
 - Largemouth bass, sunfish, catfish
 - Flooded polders + alien vegetation
- South Delta
 - San Joaquin salmon, alien fishes
 - Pumping plants

Conclusions by Dr. Moyle

- Reconciliation ecology and novel ecosystems are useful concepts for Delta managers
- The Delta is going to keep changing
- Delta is increasingly unfavorable for native fishes
- N. Delta Arc can be a ‘down-sized’ estuarine environment to reverse trends

A Vision for Salmon Recovery, Dr. Rene Henery, Trout Unlimited, University of Nevada

Interactions between flows, habitat, diversity, and the working landscape

What’s the problem?

- Fish are a reflection of the landscape they evolved in
- Landscape has been heavily altered and homogenized:
- Extreme loss and alteration of habitat

Specific obstacles

- Managed rivers lacking natural hydrographs -> Lack of life history diversity
- Lack of passage to upper watershed habitats -> Decreased carrying capacity, Lack of diversity
- Disconnected floodplains -> Lack of diversity, Lack of productivity/ prey
- Severe reduction in Delta/ Estuary habitat quality and extent -> Loss of life history diversity, decreased survival

- Hatchery propagation -> Lack of genetic diversity/ diverse reproductive strategy
- Shifting baselines -> Lack of cultural memory of how functional systems function

What's are some alternatives and strategies?

- Process based habitat/ecosystem restoration
 - In the context the working landscape
 - Leveraging existing regulatory processes
- Habitat and ecosystem expansion/ reconnection
 - Beyond mitigation
 - Working with agriculture and private lands
 - Voluntary and incentives based
- Protection
 - Conservation Easements, credits
 - Refuges
- Reintroductions

Where do we go from here?

- Establish objectives that quantify recovery (habitat and species) and align regulatory processes around them
 - Whole system approach
 - Whole life cycle approach
- Prioritize actions to address the greatest stresses
- Develop collaborative on the ground projects and practices to build and maintain the habitat conditions necessary for recovery
- Build out incentive programs to expand voluntary participation
- Develop programmatic permitting based around regional conservation objectives
- Test hypotheses about biological response to habitat and adaptively manage

How do we get there?

- Focus on outcomes as a basis for building alignment an more effective collaboration
- Focus on process and invest in facilitation to improve efficacy of collaboration and move through wounds from oppositional politics
- Separate science from policy to facilitate connection and increase transparency
- Invest and manage for outcomes as opposed to actions
- Design for diversity, not just survival; build changes into the processes

Jon Burau (USGS) - How understanding juvenile salmon outmigration informs restoration actions

Talk Outline

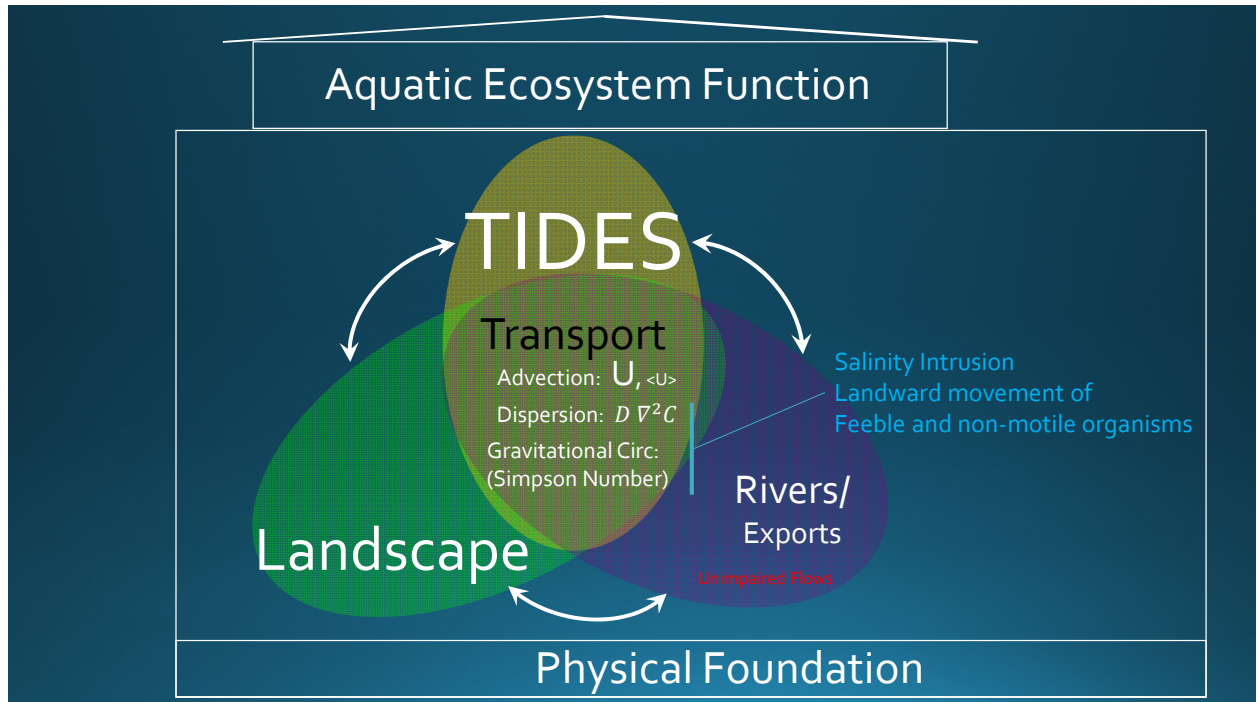
- Problem: Juvenile salmon survival in the delta is terrible during low flow periods (maybe 20% over a 100 km stretch)
- Background – Transport 101
- Discuss our latest mechanistic understanding of the outmigration process
- Solutions – next steps

Innovations (solutions) come from deep understanding

- Problem: Almost no mechanistic research is done in the delta; the Interagency Ecological Program (IEP) mostly count fish for status and trends
- Status and trends tells us we have a problem
- Mechanistic studies tell us why
- Why tells us what to do about it

In order to understand salmon outmigration, one must understand how water moves

- Jon discussed the movement of water around the delta and used a number of slides to demonstrate how movement occurs given the major tidal influences two times each day; tides connect things in a way that rivers do not (see graphic below)



Throughout most of the delta, the “net” flows are small compared to the tidal flows

- The Delta is Strongly Tidally Forced
- Particles (fish, etc.) travel long distances
- So what can we do to improve through delta survival?
 - Dream program (Large scale – survival in the entire delta)
 - Fremont Weir (Small Scale single project)
 - Barrier Studies (Small Scale single project); and
- We must consider how these projects interact with one another and new projects such as the California Water Fix Tunnels.

Examples of Solutions

- Jon provided an overview of a number of types of solutions and included some observations about unintended consequences and how they can be addressed
- Solution #1 Barriers to divert fish
- Solution #2 Get more juvenile salmon on flood plains where survival is thought to be higher and their condition is improved
- Solution #3 Notch in the Fremont Weir Allow access to Yolo bypass (floodplain) more often; Engineering questions - how do we get large numbers of juvenile salmon

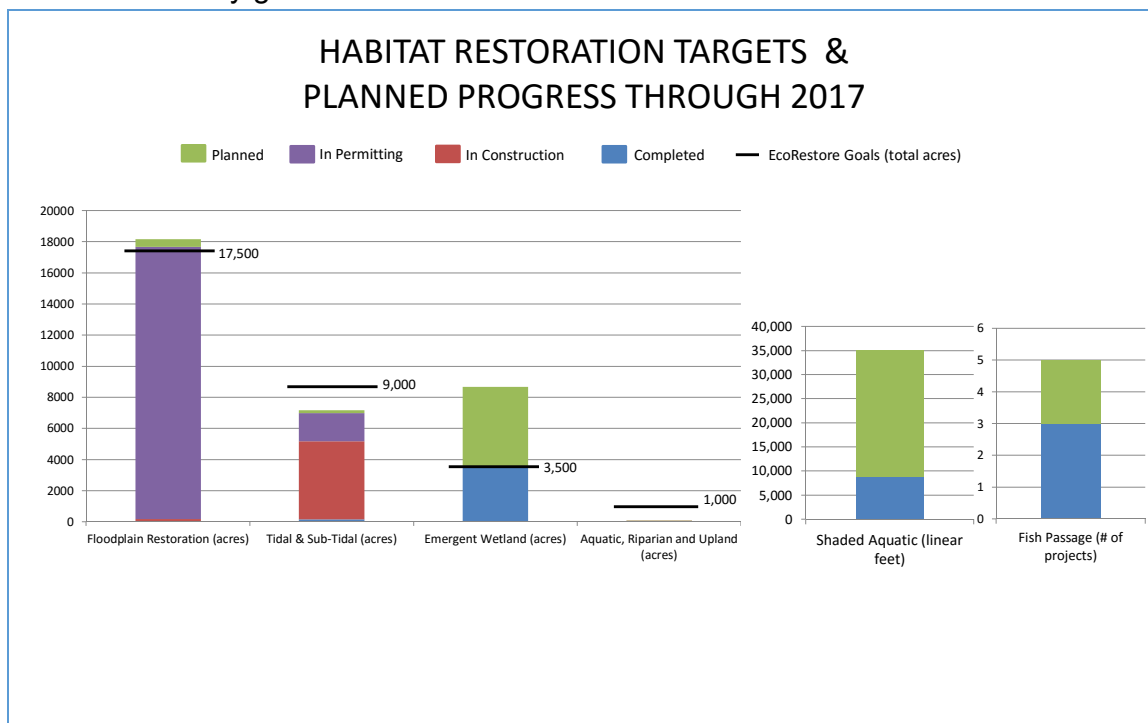
onto the Yolo Bypass using a minimum of water (the more water used the lower the survival of fish through the North Delta)?

- Solution #4: Tidal marsh restoration in Liberty Island – restoration of this area will help keep the tidal influences from requiring higher flows to repel the tides and will result in higher survival through the North Delta and through the Yolo Bypass
- One of Jon’s theories about how to “divert” salmon from the Sacramento River into the Yolo Bypass developed in 2003, was not completed until just 2016 – the amount of time to develop the necessary funding and complete the permitting for projects is horribly long.

David Okita, What is Eco-Restore and how is it doing?

California EcoRestore is a state initiative aimed at advancing critical habitat restoration in the Sacramento-San Joaquin Delta. Through the program, the state plans to pursue a broad range of habitat restoration projects across at least 30,000 acres of land in the Delta. California EcoRestore aims to address the legacy impacts of historical human intervention in the Delta, as well as ongoing impacts from operation of the State Water Project and Central Valley Project. The initial goal of California EcoRestore is to advance 25,000 acres associated with existing habitat restoration requirements, pursuant to federal biological opinions, and 5,000 acres of habitat enhancements by 2020.

- David shared the chart below on progress of meeting the goals
- He is beginning to work on what happens beyond the initial five years; funding is the biggest constraint, especially where O&M funds are required and cannot typically be covered by grants.



Jerry Meral, Natural Heritage Institute (NHI) spoke on The 2018 Bond Issue

Jerry represents NHI on California water issues. He is working on developing a bond issue for 2018 that could be instrumental in funding major efforts towards habitat restoration. He

advised that now is the time to provide input to him for inclusion into the process. A discussion was held concerning what activities, projects, locations, amounts and management structure might be included in the 2018 Bond regarding habitat restoration and research.

RoundTable and Discussion Points Captured from the Meeting

Garry began the wrap up of the meeting. Following are some of the key points discussed:

- Time is of the essence – it takes too long to do everything, including funding and permitting projects designed to improve fisheries and habitat areas. Climate change is coming, but sea level rise will not hit tomorrow, but will increase over the long term. The fish are crashing now and need immediate attention.
- The group discussed “big vision” actions vs short term actions. Investment in lands for habitat and tidal projects was a major topic of discussion.
- Collaboration and reaching a critical mass on improvements is needed.
- The Scientists, Attorneys and Policy-makers need to all be in the same room; once they come to agreement, the engineers should be called on to implement the solutions.
- If the environmental community sees more progress and buy-in to the restoration efforts, they may be more flexible on the flow issues – but, as they see it now, the only leverage they have is flows.
- It was noted that the dialogue has been very useful, but it seems it would only be appropriate to continue if there is an “end result”, not just a continuing dialogue – an objective needs to be established and then those that can help in meeting the objective can be brought into the group. The goal that seemed to emerge is “expediting restoration”.
- The whole issue of how to effectively acquire large land areas that will prove useful in restoration efforts needs to be approached.
- Getting the involvement of the fishing groups could be beneficial.
- Make the Northern Delta ARC (Yolo Bypass and other adjacent areas) the central focus.
- All agreed to continue the open dialogue. Garry Brown agreed to convene a follow-up discussion with MWDOC and MET regarding future meetings and efforts and indicated he would keep the group involved. All should be thinking about the 2018 Bond Issue as it will be coming soon.

**INFORMATION ITEM**

January 16, 2017

TO: Board of Directors**FROM:** **Public Affairs Legislative Committee**
(Directors Barbre and Tamaribuchi)Robert Hunter
General Manager

Staff Contact: Jonathan Volzke

SUBJECT: **Claremont Legal Challenge to Take Over its Water System from Golden State Water Company****STAFF RECOMMENDATION**

Staff recommends the Board of Directors receive and file report.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

Los Angeles County Superior Court Judge Richard Fruin on December 9 issued his final ruling against Claremont in that City's effort to take over its municipal water system now owned and operated by Golden State Water Co (GSW).

The City, represented by Best, Best and Krieger, is "highly likely" to appeal the ruling.

GSW has provided water service to Claremont since 1929 Claremont's service area includes 11,000 hookups and 35,000 customers. GSW purchases about 40 percent of water used in Claremont from the Metropolitan Water District of Southern California.

GSW contends it has always provided reliable service at equitable rates.

The court battle was decades in the making. City officials have long complained that GSW set uniform rates over an area of several thousand square miles, and therefore unfair and

Budgeted (Y/N):	Budgeted amount:	Core	Choice _
Action item amount:	Line item:		
Fiscal Impact (explain if unbudgeted):			

inequitable to Claremont. Residents for more than a decade have testified against GSW rate increases at the Public Utilities Commission.

The City also contends fire hydrants ran dry during the 2003 Grand Prix Fire, which destroyed or damaged 16 homes in the City. The League of Women Voters investigated the Claremont water situation, issuing a report in 2005. The City's 2006 General Plan aimed to give the City more say, and control, over water delivery.

In 2011, GSW announced it would request a combined 29.4 percent rate increase for the region that includes Claremont. Public outcry spurred the Claremont City Council to commission an appraisal of the system and feasibility study of a takeover.

In 2012, the City offered GSW \$54 million for the system, then raised the offer to \$55 million a year later.

In November 2014, Measure W authorizing water revenue bonds up to \$135 million was placed on the ballot. Claremont FLOW (Friends of Locally Owned Water) supported the measure, while Claremont NOW (No on W) lined up opposed.

The measure passed with 72 percent of the vote. The City Council adopted Resolutions of Necessity on November 25, 2014, then filed its Eminent Domain complaint in the Los Angeles Superior Court on December 9, 2014.

Claremont also brokered a deal with neighboring La Verne for that City to operate the system if a takeover was successful. La Verne has operated its system for more than 100 years.

An eminent domain effort to take over a water utility required a showing of "a more necessary public use," a higher legal standard than in a typical eminent domain case. After a 21-day trial, Judge Fruin said the City failed to meet its legal burden of proof.

The City has 60 days to appeal. In a letter to residents, the Mayor also said the City anticipates Golden State will be making a motion for several millions in litigation expenses. If necessary, the Mayor says, the Council will consider financing options for those expenses.

**INFORMATION ITEM**

January 16, 2017

TO: Board of Directors**FROM:** **Public Affairs Legislative Committee**
(Directors Barbre and Tamaribuchi)Robert Hunter
General Manager

Staff Contact: Jonathan Volzke

SUBJECT: **Update on Water Policy Dinner****STAFF RECOMMENDATION**

Staff recommends the Board of Directors receive and file report and provide input on alternative events.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

Jeff Kightlinger, general manager for The Metropolitan Water District of Southern California (MET), has agreed to speak at the next MWDOC Water Policy Dinner.

Topics he is expected to cover include the California WaterFix, MET's potential water recycling project and state water-use regulations, among others.

Mr. Kightlinger has indicated his schedule is flexible; Public Affairs staff will work with General Manager Rob Hunter to finalize a date, likely in late February.

Budgeted (Y/N):	Budgeted amount:	Core	Choice _
Action item amount:	Line item:		
Fiscal Impact (explain if unbudgeted):			

**INFORMATION ITEM**

January 16, 2017

TO: Board of Directors**FROM:** **Public Affairs Legislative Committee**
(Directors Barbre, Tamaribuchi)Robert Hunter
General Manager

Staff Contact: Jonathan Volzke

SUBJECT: **Update on 2017 OC Water Summit****STAFF RECOMMENDATION**

Staff recommends the Board of Directors receive and file report.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

MWDOC and Orange County Water District staff continue to work on the 2017 OC Water Summit, which will be held at the Grand Californian at the Disney Resort on June 16, 2017.

The theme of the event is "Finding Water," playing off the "Finding Dory" Disney film.

Confirmed speakers so far include:

- Fritz Coleman, NBC4 Weathercaster (emcee)
- David Sedlak, Malozemoff Professor at UC Berkeley, Co-director of Berkeley Water Center (panelist – water management)
- David Stoldt, GM of Monterey Peninsula Water Management District (panelist – desal)
- Helene Schneider, Mayor of Santa Barbara (panelist – desal)

Budgeted (Y/N):	Budgeted amount:	Core	Choice _
Action item amount:		Line item:	
Fiscal Impact (explain if unbudgeted):			

Staff is beginning to reach out to sponsors to underwrite the cost of the Summit. The following agencies have agreed to sponsor the 2017 Summit:

- Luncheon – Mesa Water District
- Table – Moulton Niguel Water District
- Table – Eastern Municipal Water District
- Bus/In Kind – Anaheim Public Utilities

President Osborne and Director Thomas have represented MWDOC at monthly Summit planning meetings with directors and staff at OCWD, which is the lead agency for the 2017 event. The next subcommittee meeting is at 8:30 a.m. on January 30.



SAVE THE DATE

JUNE 16, 2017

7:30AM - 1:30PM

Grand Californian Hotel at the
Disneyland Resort, Anaheim, California



The 2016-2017 water year will mark California's sixth straight year of drought. Water agencies in Orange County and throughout Southern California can no longer rely on Mother Nature to meet current or future water needs. Protecting and maximizing what we have is a critical part of water management.

Equally important is finding new water supplies to get us through cyclical drought conditions, to prepare for natural growth in population and to support trade and commerce. Where do we look to find water? How much will it cost? And at what cost are consumers willing to pay to find it?

Join nearly 400 business and community leaders, elected officials, professors, and water experts for the 10th Annual OC Water Summit to find solutions to local, state, national, and international water problems.

Featuring
Master of Ceremonies
NBC4 Weathercaster
FRITZ COLEMAN



To sponsor, register or learn more, please visit
www.OCWaterSummit.com or contact:

- ◆ Eleanor Torres (714) 378-3268, etorres@ocwd.com
- ◆ Jonathan Volzke (714) 593-5029, jvolzke@mwdoc.com
- ◆ Crystal Nettles (714) 378-3202, cnettles@ocwd.com
- ◆ Tiffany Baca (714) 593-5013, tbaca@mwdoc.com

INDIVIDUAL TICKET - \$130*

Ticket includes continental breakfast, lunch, self-parking, and summit materials.

*Ticket price will increase to \$150 beginning June 2, 2017



HOSTED BY



Luncheon
Sponsor



Public Affairs Activities Report December 14, 2016 – January 10, 2017

Member Agency Relations	<p>Heather coordinated a meeting with the governmental and legislative affairs staff from IRWD, SMWD, OCWD, Mesa Water, and MNWD to discuss the upcoming legislative year and efforts to coordinate. They have a follow-up meeting later this month.</p> <p>Heather and Jonathan attended the MWDOC Elected Officials Meeting on January 5.</p> <p>At the request of Golden State Water, Jonathan made a presentation to the Cypress Rotary on the OC water and the California WaterFix.</p> <p>Jonathan held meetings with CHOICE program vendors and participating member agencies after executing the contracts.</p> <p>Jonathan wrote articles and issued eCurrents.</p> <p>Bryce worked with YLWD staff to create a resolution for Ric Collett.</p>
Community Relations	<p>Heather and Melissa met with Albert Napoli from MET to discuss and coordinate MET/MWDOC's CA WaterFix outreach efforts.</p> <p>Laura worked with Orange County REALTORS to create and distribute a new water conservation door hanger. More than 90 REALTORS requested the door hanger the first day of sign ups.</p> <p>Jonathan and Laura met with Crystal Nettles and Becky Mudd with OCWD to coordinate and plan the Soil and Water Conservation Merit Clinic on February 11 at OCWD. Additional clinics are also scheduled at Irvine Ranch Water District and Santa Margarita Water District, each with more than 80 Scouts registered.</p> <p>The Public Affairs team attended the Great Wolf Lodge groups and meetings event, sharing a table with executive staff of Boy Scouts of America.</p>

Item 13

	<p>Jonathan met with officials from the Ocean Institute in Dana Point to discuss education programs and potential joint efforts.</p> <p>Jonathan worked with Discovery Science Foundation on a student contest at the Cube.</p>
Education	<p>Laura attended the What About Water first visit at Anaheim High School with staff from Anaheim Public Utilities.</p> <p>The Public Affairs department met to begin the planning for the 2017 Water Awareness Poster Contest. Tiffany coordinated the discussion. Bryce designed and created the flyer. Laura worked with Inside the Outdoors staff to distribute the flyer to teachers throughout Orange County.</p> <p>Jonathan and Laura coordinated with IRWD staff and SMWD staff to schedule two more Soil and Water Conversation Merit Badge clinics- April 1 and August 26. Laura continued taking Scout registrations for all the clinics.</p>
Media Relations	<p>Jonathan wrote news releases on the release of the final environmental documents for the California WaterFix and on MWDOC's role in the approval of two South County projects in MET's LRP program. The South County news release was picked up in the San Clemente Times newspaper.</p> <p>Jonathan posted at least five times weekly to MWDOC's Facebook page, frequently discussing the importance of the California WaterFix.</p>
Special Projects	<p>Tiffany and Bryce are currently working on itineraries, trip logistics, guest and Director requirements for the following inspection trips:</p> <ol style="list-style-type: none"> 1. January 20-21, Director McKenney, CRA 2. February 3, Director Barbre, Infrastructure 3. February 24-26, Director Barbre & Director Beard-Fullerton, SWP 4. March 5-6, Tunnel trip 5. April 7-9, Director Barbre, CRA/Hoover <p>Tiffany and Bryce are preparing graphic materials for WEROC and the agency water trailers.</p> <p>Tiffany and Bryce updated several pages on the website.</p>

Item 13

	<p>Heather and Laura coordinated various ISDOC tasks including ordering a plaque for the outgoing President, editing the Quarterly Newsletter, and upcoming agenda items.</p> <p>Laura drafted and sent out the ISDOC Quarterly Luncheon invite scheduled for Thursday, January 26 featuring guest speaker County Supervisor Michelle Steel.</p> <p>Heather staffed the WACO meeting featuring speakers Susan Kennedy, Advanced Microgrid Solutions and Michael Bushey from SCE who discussed Energy Rates and Reliability in Orange County.</p> <p>Heather attended a meeting with staff from OCWD and the new Chair and Vice Chair of WACO to discuss 2017 WACO events and planning.</p> <p>Heather and Laura staffed the ISDOC Executive Committee Meeting.</p> <p>Laura met with Sandra Jacobs to plan ISDOC Quarterly Luncheon programs for 2017.</p> <p>Laura is working on the Orange County Cities & Water Agencies 2017 Directory.</p> <p>Tiffany coordinated a meeting with a review panel of 7 MWDOC department representatives to discuss and prepare items for a kickoff meeting with the new website developer.</p> <p>Tiffany coordinated and led a discussion with the Public Affairs team to review department specific website items and webpage direction.</p> <p>Tiffany prepared and distributed a discovery document to be completed by each MWDOC department, and organized and led the kickoff meeting with the new website developer. Representatives from the IT, Public Affairs, Water Use Efficiency, Administration, Government Affairs, WEROC and Engineering Departments participated. General Manager, Rob Hunter attended all 6 individual discovery sessions.</p> <p>Jonathan and Laura finished and distributed a request for proposals for an engineering firm to complete the upcoming water quality reports.</p>
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Item 13

Legislative Affairs	<p>Heather attended Senator John Moorlach's holiday Open House.</p> <p>Jonathan attended an open house for Assemblyman Travis Allen.</p> <p>Heather and Karl continue to coordinate with MWDOC member agencies and other affected agencies on the Orange County Flood Control District's utility license fee proposal. The item was scheduled for January 10, but has been continued again to January 24.</p> <p>Jonathan attended the OCBC Infrastructure Committee meeting where Karl Seckel made a presentation on the Reliability Study and WaterFix. Director Tamaribuchi also attended.</p> <p>Jonathan worked with Joe Berg and other MWDOC staff on the comment letter to the state board on extending the emergency regulations.</p> <p>Bryce prepared graphic materials for the DC Luncheon.</p>
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INFORMATION ITEM

January 16, 2017

TO: Board of Directors

FROM: **Public Affairs Legislative Committee**
(Directors Barbre and Tamaribuchi)

Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: H.R. 23 (Valadao, R-CA) – Gaining Responsibility on Water Act of 2017

STAFF RECOMMENDATION

Staff recommends the Board of Directors receive and file.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

REPORT

The 115th Congress was sworn in and returned to work on January 3, 2017. Wasting no time, Congressman David Valadao (R-CA, 21st) introduced H.R. 23, the “Gaining Responsibility on Water Act of 2017” that same day. The 125-page measure is broken down into the following sections:

- Central Valley Project Reliability
- CALFED Storage Feasibility Studies
- Water Rights Protections
- Miscellaneous
- Water Supply Permitting Act
- Bureau of Reclamation Project Streamlining
- Accelerated Revenue, Repayment, and Surface Water Storage Enhancement
- Safety of Dams
- Water Rights Protections

Budgeted (Y/N):	Budgeted amount:	Core	Choice _
Action item amount:		Line item:	
Fiscal Impact (explain if unbudgeted):			

Staff will bring this measure back to the committee for review and action next month after an analysis has been completed.

Attached: H.R. 23 Bill Language

115TH CONGRESS
1ST SESSION

H. R. 23

To provide drought relief in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. VALADAO (for himself, Mr. NUNES, Mr. ROHRABACHER, Mr. COOK, Mr. ISSA, Mr. ROYCE of California, Mrs. MIMI WALTERS of California, Mr. CALVERT, Mr. KNIGHT, Mr. MCCARTHY, Mr. HUNTER, Mr. LAMALFA, and Mr. MCCLINTOCK) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide drought relief in the State of California, 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 “Gaining Responsibility
5 on Water Act of 2017”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

- Sec. 101. Amendment to purposes.
- Sec. 102. Amendment to definition.
- Sec. 103. Contracts.
- Sec. 104. Water transfers, improved water management, and conservation.
- Sec. 105. Fish, wildlife, and habitat restoration.
- Sec. 106. Restoration fund.
- Sec. 107. Additional authorities.
- Sec. 108. Bay-Delta Accord.
- Sec. 109. Natural and artificially spawned species.
- Sec. 110. Regulatory streamlining.
- Sec. 111. Additional emergency consultation.
- Sec. 112. Regarding the operation of Folsom Reservoir.
- Sec. 113. Applicants.
- Sec. 114. San Joaquin River settlement.

TITLE II—CALFED STORAGE FEASIBILITY STUDIES

- Sec. 201. Studies.
- Sec. 202. Temperance Flat.
- Sec. 203. CALFED storage accountability.
- Sec. 204. Water storage project construction.

TITLE III—WATER RIGHTS PROTECTIONS

- Sec. 301. Offset for State Water Project.
- Sec. 302. Area of origin protections.
- Sec. 303. No redirected adverse impacts.
- Sec. 304. Allocations for Sacramento Valley contractors.
- Sec. 305. Effect on existing obligations.

TITLE IV—MISCELLANEOUS

- Sec. 401. Water supply accounting.
- Sec. 402. Operations of the Trinity River Division.
- Sec. 403. Report on results of water usage.
- Sec. 404. Klamath project consultation applicants.
- Sec. 405. Losses caused by the construction and operation of storage projects.
- Sec. 406. CA State Water Resources Control Board.

TITLE V—WATER SUPPLY PERMITTING ACT

- Sec. 501. Short title.
- Sec. 502. Definitions.
- Sec. 503. Establishment of lead agency and cooperating agencies.
- Sec. 504. Bureau responsibilities.
- Sec. 505. Cooperating agency responsibilities.
- Sec. 506. Funding to process permits.

TITLE VI—BUREAU OF RECLAMATION PROJECT STREAMLINING

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Acceleration of studies.
- Sec. 604. Expedited completion of reports.
- Sec. 605. Project acceleration.
- Sec. 606. Annual report to Congress.

TITLE VII—ACCELERATED REVENUE, REPAYMENT, AND
SURFACE WATER STORAGE ENHANCEMENT

Sec. 701. Short title.

Sec. 702. Prepayment of certain repayment contracts between the United States and contractors of federally developed water supplies.

TITLE VIII—SAFETY OF DAMS

Sec. 801. Authorization of additional project benefits.

TITLE IX—WATER RIGHTS PROTECTION

Sec. 901. Short title.

Sec. 902. Definition of water right.

Sec. 903. Treatment of water rights.

Sec. 904. Recognition of State authority.

Sec. 905. Effect of title.

1 **TITLE I—CENTRAL VALLEY** 2 **PROJECT WATER RELIABILITY**

3 **SEC. 101. AMENDMENT TO PURPOSES.**

4 Section 3402 of the Central Valley Project Improve-
5 ment Act (106 Stat. 4706) is amended—

6 (1) in subsection (f), by striking the period at
7 the end; and

8 (2) by adding at the end the following:

9 “(g) to ensure that water dedicated to fish and wild-
10 life purposes by this title is replaced and provided to Cen-
11 tral Valley Project water contractors by December 31,
12 2018, at the lowest cost reasonably achievable; and

13 “(h) to facilitate and expedite water transfers in ac-
14 cordance with this Act.”.

15 **SEC. 102. AMENDMENT TO DEFINITION.**

16 Section 3403 of the Central Valley Project Improve-
17 ment Act (106 Stat. 4707) is amended—

1 (1) by amending subsection (a) to read as fol-
 2 lows:

3 “(a) the term ‘anadromous fish’ means those native
 4 stocks of salmon (including steelhead) and sturgeon that,
 5 as of October 30, 1992, were present in the Sacramento
 6 and San Joaquin Rivers and their tributaries and ascend
 7 those rivers and their tributaries to reproduce after matur-
 8 ing in San Francisco Bay or the Pacific Ocean;”;

9 (2) in subsection (l), by striking “and,”;

10 (3) in subsection (m), by striking the period
 11 and inserting “; and”; and

12 (4) by adding at the end the following:

13 “(n) the term ‘reasonable flows’ means water flows
 14 capable of being maintained taking into account com-
 15 peting consumptive uses of water and economic, environ-
 16 mental, and social factors.”.

17 **SEC. 103. CONTRACTS.**

18 Section 3404 of the Central Valley Project Improve-
 19 ment Act (106 Stat. 4708) is amended—

20 (1) in the heading, by striking “**LIMITATION**
 21 **ON CONTRACTING AND CONTRACT REFORM**”
 22 and inserting “**CONTRACTS**”; and

23 (2) by striking the language of the section and
 24 by adding:

1 “(a) RENEWAL OF EXISTING LONG-TERM CON-
 2 TRACTS.—Upon request of the contractor, the Secretary
 3 shall renew any existing long-term repayment or water
 4 service contract that provides for the delivery of water
 5 from the Central Valley Project for a period of 40 years.

6 “(b) ADMINISTRATION OF CONTRACTS.—Except as
 7 expressly provided by this Act, any existing long-term re-
 8 payment or water service contract for the delivery of water
 9 from the Central Valley Project shall be administered pur-
 10 suant to the Act of July 2, 1956 (70 Stat. 483).

11 “(c) DELIVERY CHARGE.—Beginning on the date of
 12 the enactment of this Act, a contract entered into or re-
 13 newed pursuant to this section shall include a provision
 14 that requires the Secretary to charge the other party to
 15 such contract only for water actually delivered by the Sec-
 16 retary.”.

17 **SEC. 104. WATER TRANSFERS, IMPROVED WATER MANAGE-**
 18 **MENT, AND CONSERVATION.**

19 Section 3405 of the Central Valley Project Improve-
 20 ment Act (106 Stat. 4709) is amended as follows:

21 (1) In subsection (a)—

22 (A) by inserting before “Except as pro-
 23 vided herein” the following: “The Secretary
 24 shall take all necessary actions to facilitate and
 25 expedite transfers of Central Valley Project

1 water in accordance with this Act or any other
2 provision of Federal reclamation law and the
3 National Environmental Policy Act of 1969.”;

4 (B) in paragraph (1)(A), by striking “to
5 combination” and inserting “or combination”;

6 (C) in paragraph (2), by adding at the end
7 the following:

8 “(E) The contracting district from which
9 the water is coming, the agency, or the Sec-
10 retary shall determine if a written transfer pro-
11 posal is complete within 45 days after the date
12 of submission of such proposal. If such district
13 or agency or the Secretary determines that such
14 proposal is incomplete, such district or agency
15 or the Secretary shall state with specificity
16 what must be added to or revised in order for
17 such proposal to be complete.

18 “(F) Except as provided in this section,
19 the Secretary shall not impose mitigation or
20 other requirements on a proposed transfer, but
21 the contracting district from which the water is
22 coming or the agency shall retain all authority
23 under State law to approve or condition a pro-
24 posed transfer.”; and

25 (D) by adding at the end the following:

1 “(4) Notwithstanding any other provision of
2 Federal reclamation law—

3 “(A) the authority to make transfers or ex-
4 changes of, or banking or recharge arrange-
5 ments using, Central Valley Project water that
6 could have been conducted before October 30,
7 1992, is valid, and such transfers, exchanges,
8 or arrangements shall not be subject to, limited,
9 or conditioned by this title; and

10 “(B) this title shall not supersede or re-
11 voke the authority to transfer, exchange, bank,
12 or recharge Central Valley Project water that
13 existed prior to October 30, 1992.”.

14 (2) In subsection (b)—

15 (A) in the heading, by striking “METER-
16 ING” and inserting “MEASUREMENT”; and

17 (B) by inserting after the first sentence
18 the following: “The contracting district or agen-
19 cy, not including contracting districts serving
20 multiple agencies with separate governing
21 boards, shall ensure that all contractor-owned
22 water delivery systems within its boundaries
23 measure surface water at the district or agen-
24 cy’s facilities up to the point the surface water
25 is commingled with other water supplies.”.

1 (3) By striking subsection (d).

2 (4) By redesignating subsections (e) and (f) as
3 subsections (d) and (e), respectively.

4 (5) By amending subsection (e) (as redesign-
5 nated by paragraph (4))—

6 (A) by striking “as a result of the in-
7 creased repayment” and inserting “that exceed
8 the cost-of-service”;

9 (B) by inserting “the delivery of” after
10 “rates applicable to”; and

11 (C) by striking “, and all increased reve-
12 nues received by the Secretary as a result of the
13 increased water prices established under sub-
14 section 3405(d) of this section,”.

15 **SEC. 105. FISH, WILDLIFE, AND HABITAT RESTORATION.**

16 Section 3406 of the Central Valley Project Improve-
17 ment Act (106 Stat. 4714) is amended as follows:

18 (1) In subsection (b)—

19 (A) in paragraph (1)(B)—

20 (i) by striking “is authorized and di-
21 rected to” and inserting “may”;

22 (ii) by inserting “reasonable water”
23 after “to provide”;

1 (iii) by striking “anadromous fish, ex-
2 cept that such” and inserting “anad-
3 romous fish. Such”;

4 (iv) by striking “Instream flow” and
5 inserting “Reasonable instream flow”;

6 (v) by inserting “and the National
7 Marine Fisheries Service” after “United
8 States Fish and Wildlife Service”; and

9 (vi) by striking “California Depart-
10 ment of Fish and Game” and inserting
11 “United States Geological Survey”;

12 (B) in paragraph (2)—

13 (i) by striking “primary purpose” and
14 inserting “purposes”;

15 (ii) by striking “but not limited to”
16 before “additional obligations”; and

17 (iii) by adding after the period the fol-
18 lowing: “All Central Valley Project water
19 used for the purposes specified in this
20 paragraph shall be credited to the quantity
21 of Central Valley Project yield dedicated
22 and managed under this paragraph by de-
23 termining how the dedication and manage-
24 ment of such water would affect the deliv-
25 ery capability of the Central Valley Project

1 during the 1928 to 1934 drought period
2 after fishery, water quality, and other flow
3 and operational requirements imposed by
4 terms and conditions existing in licenses,
5 permits, and other agreements pertaining
6 to the Central Valley Project under appli-
7 cable State or Federal law existing on Oc-
8 tober 30, 1992, have been met. To the full-
9 est extent possible and in accordance with
10 section 3411, Central Valley Project water
11 dedicated and managed pursuant to this
12 paragraph shall be reused to fulfill the
13 Secretary's remaining contractual obliga-
14 tions to provide Central Valley Project
15 water for agricultural or municipal and in-
16 dustrial purposes.”; and

17 (C) by amending paragraph (2)(C) to read:

18 “(C) If by March 15th of any year the
19 quantity of Central Valley Project water fore-
20 casted to be made available to water service or
21 repayment contractors in the Delta Division of
22 the Central Valley Project is below 75 percent
23 of the total quantity of water to be made avail-
24 able under said contracts, the quantity of Cen-
25 tral Valley Project yield dedicated and managed

1 for that year under this paragraph shall be re-
2 duced by 25 percent.”.

3 (2) By adding at the end the following:

4 “(i) SATISFACTION OF PURPOSES.—
5 By pursuing the activities described in this
6 section, the Secretary shall be deemed to
7 have met the mitigation, protection, res-
8 toration, and enhancement purposes of this
9 title.”.

10 **SEC. 106. RESTORATION FUND.**

11 (a) IN GENERAL.—Section 3407(a) of the Central
12 Valley Project Improvement Act (106 Stat. 4726) is
13 amended as follows:

14 (1) By inserting “(1) IN GENERAL.—” before
15 “‘There is hereby”.

16 (2) By striking “Not less than 67 percent” and
17 all that follows through “Monies” and inserting
18 “Monies”.

19 (3) By adding at the end the following:

20 “(2) PROHIBITIONS.—The Secretary may not directly
21 or indirectly require a donation or other payment to the
22 Restoration Fund—

23 “(A) or environmental restoration or mitigation
24 fees not otherwise provided by law, as a condition
25 to—

1 “(i) providing for the storage or convey-
 2 ance of non-Central Valley Project water pursu-
 3 ant to Federal reclamation laws; or

4 “(ii) the delivery of water pursuant to sec-
 5 tion 215 of the Reclamation Reform Act of
 6 1982 (Public Law 97–293; 96 Stat. 1270); or

7 “(B) for any water that is delivered with the
 8 sole intent of groundwater recharge.”.

9 (b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the
 10 Central Valley Project Improvement Act is amended—

11 (1) by striking “mitigation and restoration”;

12 (2) by striking “provided for or”; and

13 (3) by striking “of fish, wildlife” and all that
 14 follows through the period and inserting “of carrying
 15 out all activities described in this title.”.

16 (c) ADJUSTMENT AND ASSESSMENT OF MITIGATION
 17 AND RESTORATION PAYMENTS.—Section 3407(d)(2) of
 18 the Central Valley Project Improvement Act is amended
 19 by inserting “, or after October 1, 2016, \$4 per megawatt-
 20 hour for Central Valley Project power sold to power con-
 21 tractors (October 2016 price levels)” after “\$12 per acre-
 22 foot (October 1992 price levels) for municipal and indus-
 23 trial water sold and delivered by the Central Valley
 24 Project”.

1 (d) COMPLETION OF ACTIONS.—Section
 2 3407(d)(2)(A) of the Central Valley Project Improvement
 3 Act is amended by inserting “no later than December 31,
 4 2020,” after “That upon the completion of the fish, wild-
 5 life, and habitat mitigation and restoration actions man-
 6 dated under section 3406 of this title,”.

7 (e) REPORT; ADVISORY BOARD.—Section 3407 of the
 8 Central Valley Project Improvement Act (106 Stat. 4714)
 9 is amended by adding at the end the following:

10 “(g) REPORT ON EXPENDITURE OF FUNDS.—At the
 11 end of each fiscal year, the Secretary, in consultation with
 12 the Restoration Fund Advisory Board, shall submit to
 13 Congress a plan for the expenditure of all of the funds
 14 deposited into the Restoration Fund during the preceding
 15 fiscal year. Such plan shall contain a cost-effectiveness
 16 analysis of each expenditure.

17 “(h) ADVISORY BOARD.—

18 “(1) ESTABLISHMENT.—There is hereby estab-
 19 lished the Restoration Fund Advisory Board (herein-
 20 after in this section referred to as the ‘Advisory
 21 Board’) composed of 12 members selected by the
 22 Secretary, each for four-year terms, one of whom
 23 shall be designated by the Secretary as Chairman.
 24 The members shall be selected so as to represent the
 25 various Central Valley Project stakeholders, four of

1 whom shall be from CVP agricultural users, three
2 from CVP municipal and industrial users, three
3 from CVP power contractors, and two at the discre-
4 tion of the Secretary. The Secretary and the Sec-
5 retary of Commerce may each designate a represent-
6 ative to act as an observer of the Advisory Board.

7 “(2) DUTIES.—The duties of the Advisory
8 Board are as follows:

9 “(A) To meet at least semiannually to de-
10 velop and make recommendations to the Sec-
11 retary regarding priorities and spending levels
12 on projects and programs carried out pursuant
13 to the Central Valley Project Improvement Act.

14 “(B) To ensure that any advice or rec-
15 ommendation made by the Advisory Board to
16 the Secretary reflect the independent judgment
17 of the Advisory Board.

18 “(C) Not later than December 31, 2018,
19 and annually thereafter, to transmit to the Sec-
20 retary and Congress recommendations required
21 under subparagraph (A).

22 “(D) Not later than December 31, 2018,
23 and biennially thereafter, to transmit to Con-
24 gress a report that details the progress made in

1 achieving the actions mandated under section
2 3406.

3 “(3) ADMINISTRATION.—With the consent of
4 the appropriate agency head, the Advisory Board
5 may use the facilities and services of any Federal
6 agency.”.

7 **SEC. 107. ADDITIONAL AUTHORITIES.**

8 (a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section
9 3408(c) of the Central Valley Project Improvement Act
10 (106 Stat. 4728) is amended to read as follows:

11 “(c) CONTRACTS FOR ADDITIONAL STORAGE AND
12 DELIVERY OF WATER.—

13 “(1) IN GENERAL.—The Secretary is authorized
14 to enter into contracts pursuant to Federal reclama-
15 tion law and this title with any Federal agency, Cali-
16 fornia water user or water agency, State agency, or
17 private organization for the exchange, impoundment,
18 storage, carriage, and delivery of nonproject water
19 for domestic, municipal, industrial, fish and wildlife,
20 and any other beneficial purpose.

21 “(2) LIMITATION.—Nothing in this subsection
22 shall be deemed to supersede the provisions of sec-
23 tion 103 of Public Law 99–546 (100 Stat. 3051).

24 “(3) AUTHORITY FOR CERTAIN ACTIVITIES.—
25 The Secretary shall use the authority granted by

1 this subsection in connection with requests to ex-
 2 change, impound, store, carry, or deliver nonproject
 3 water using Central Valley Project facilities for any
 4 beneficial purpose.

5 “(4) RATES.—The Secretary shall develop rates
 6 not to exceed the amount required to recover the
 7 reasonable costs incurred by the Secretary in con-
 8 nection with a beneficial purpose under this sub-
 9 section. Such rates shall be charged to a party using
 10 Central Valley Project facilities for such purpose.
 11 Such costs shall not include any donation or other
 12 payment to the Restoration Fund.

13 “(5) CONSTRUCTION.—This subsection shall be
 14 construed and implemented to facilitate and encour-
 15 age the use of Central Valley Project facilities to ex-
 16 change, impound, store, carry, or deliver nonproject
 17 water for any beneficial purpose.”.

18 (b) REPORTING REQUIREMENTS.—Section 3408(f) of
 19 the Central Valley Project Improvement Act (106 Stat.
 20 4729) is amended—

21 (1) by striking “Interior and Insular Affairs
 22 and the Committee on Merchant Marine and Fish-
 23 eries” and inserting “Natural Resources”;

1 (2) in the second sentence, by inserting before
 2 the period at the end the following: “, including
 3 progress on the plan required by subsection (j)”; and

4 (3) by adding at the end the following: “The fil-
 5 ing and adequacy of such report shall be personally
 6 certified to the committees referenced above by the
 7 Regional Director of the Mid-Pacific Region of the
 8 Bureau of Reclamation.”.

9 (c) PROJECT YIELD INCREASE.—Section 3408(j) of
 10 the Central Valley Project Improvement Act (106 Stat.
 11 4730) is amended as follows:

12 (1) By redesignating paragraphs (1) through
 13 (7) as subparagraphs (A) through (G), respectively.

14 (2) By striking “In order to minimize adverse
 15 effects, if any, upon” and inserting “(1) IN GEN-
 16 ERAL.—In order to minimize adverse effects upon”.

17 (3) By striking “needs, the Secretary,” and all
 18 that follows through “submit to the Congress, a”
 19 and inserting “needs, the Secretary, on a priority
 20 basis and not later than September 30, 2018, shall
 21 submit to Congress a”.

22 (4) By striking “increase,” and all that follows
 23 through “options:” and inserting “increase, as soon
 24 as possible but not later than September 30, 2017
 25 (except for the construction of new facilities which

1 shall not be limited by that deadline), the water of
2 the Central Valley Project by the amount dedicated
3 and managed for fish and wildlife purposes under
4 this title and otherwise required to meet the pur-
5 poses of the Central Valley Project including satis-
6 fying contractual obligations. The plan required by
7 this subsection shall include recommendations on ap-
8 propriate cost-sharing arrangements and authorizing
9 legislation or other measures needed to implement
10 the intent, purposes, and provisions of this sub-
11 section and a description of how the Secretary in-
12 tends to use the following options—”.

13 (5) In subparagraph (A), by inserting “and
14 construction of new water storage facilities” before
15 the semicolon.

16 (6) In subparagraph (F), by striking “and” at
17 the end.

18 (7) In subparagraph (G), by striking the period
19 and all that follows through the end of the sub-
20 section and inserting “; and”.

21 (8) By inserting after subparagraph (G) the fol-
22 lowing:

23 “(H) Water banking and recharge.”.

24 (9) By adding at the end the following:

1 “(2) IMPLEMENTATION OF PLAN.—The Sec-
 2 retary shall implement the plan required by para-
 3 graph (1) commencing on October 1, 2017. In order
 4 to carry out this subsection, the Secretary shall co-
 5 ordinate with the State of California in imple-
 6 menting measures for the long-term resolution of
 7 problems in the San Francisco Bay/Sacramento-San
 8 Joaquin Delta Estuary.

9 “(3) FAILURE OF THE PLAN.—Notwithstanding
 10 any other provision of Federal reclamation law, if by
 11 September 30, 2018, the plan required by paragraph
 12 (1) fails to increase the annual delivery capability of
 13 the Central Valley Project by 800,000 acre-feet, im-
 14 plementation of any non-mandatory action under
 15 section 3406(b)(2) shall be suspended until the plan
 16 achieves an increase in the annual delivery capability
 17 of the Central Valley Project by 800,000 acre-feet.”.

18 (d) TECHNICAL CORRECTION.—Section 3408(h) of
 19 the Central Valley Project Improvement Act (106 Stat.
 20 4729) is amended—

21 (1) in paragraph (1), by striking “paragraph
 22 (h)(2)” and inserting “paragraph (2)”; and

23 (2) in paragraph (2), by striking “paragraph
 24 (h)(i)” and inserting “paragraph (1)”.

1 (e) WATER STORAGE PROJECT CONSTRUCTION.—
2 The Secretary, acting through the Commissioner of the
3 Bureau of Reclamation, may partner or enter into an
4 agreement on the water storage projects identified in sec-
5 tion 103(d)(1) of the Water Supply Reliability, and Envi-
6 ronmental Improvement Act (Public Law 108–361) (and
7 Acts supplemental and amendatory to the Act) with local
8 joint powers authorities formed pursuant to State law by
9 irrigation districts and other local water districts and local
10 governments within the applicable hydrologic region, to
11 advance these projects. No additional Federal funds are
12 authorized for the activities authorized in sections
13 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of
14 Public Law 108–361. However, each water storage project
15 under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and
16 103(d)(1)(A)(iii) of Public Law 108–361 is authorized for
17 construction if non-Federal funds are used for financing
18 and constructing the project.

19 **SEC. 108. BAY-DELTA ACCORD.**

20 (a) CONGRESSIONAL DIRECTION REGARDING CEN-
21 TRAL VALLEY PROJECT AND CALIFORNIA STATE WATER
22 PROJECT OPERATIONS.—The Central Valley Project and
23 the State Water Project shall be operated pursuant to the
24 water quality standards and operational constraints de-
25 scribed in the “Principles for Agreement on the Bay-Delta

1 Standards Between the State of California and the Fed-
2 eral Government” dated December 15, 1994, and such op-
3 erations shall proceed without regard to the Endangered
4 Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other
5 law pertaining to the operation of the Central Valley
6 Project and the California State Water Project. Imple-
7 mentation of this section shall be in strict conformance
8 with the “Principles for Agreement on the Bay-Delta
9 Standards Between the State of California and the Fed-
10 eral Government” dated December 15, 1994.

11 (b) APPLICATION OF LAWS TO OTHERS.—Neither a
12 Federal department nor the State of California, including
13 any agency or board of the State of California, shall im-
14 pose on any water right obtained pursuant to State law,
15 including a pre-1914 appropriative right, any condition
16 that restricts the exercise of that water right in order to
17 conserve, enhance, recover or otherwise protect any species
18 that is affected by operations of the Central Valley Project
19 or California State Water Project. Nor shall the State of
20 California, including any agency or board of the State of
21 California, restrict the exercise of any water right obtained
22 pursuant to State law, including a pre-1914 appropriative
23 right, in order to protect, enhance, or restore under the
24 Public Trust Doctrine any public trust value. Implementa-
25 tion of the “Principles for Agreement on the Bay-Delta

1 Standards Between the State of California and the Fed-
 2 eral Government” dated December 15, 1994, shall be in
 3 strict compliance with the water rights priority system and
 4 statutory protections for areas of origin.

5 (c) COSTS.—No cost associated with the implementa-
 6 tion of this section shall be imposed directly or indirectly
 7 on any Central Valley Project contractor, or any other per-
 8 son or entity, unless such costs are incurred on a voluntary
 9 basis.

10 (d) NATIVE SPECIES PROTECTION.—California law is
 11 preempted with respect to any restriction on the quantity
 12 or size of nonnative fish taken or harvested that preys
 13 upon one or more native fish species that occupy the Sac-
 14 ramento and San Joaquin Rivers and their tributaries or
 15 the Sacramento-San Joaquin Rivers Delta.

16 **SEC. 109. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.**

17 After the date of the enactment of this title, and re-
 18 gardless of the date of listing, the Secretaries of the Inte-
 19 rior and Commerce shall not distinguish between natural-
 20 spawned and hatchery-spawned or otherwise artificially
 21 propagated strains of a species in making any determina-
 22 tion under the Endangered Species Act of 1973 (16
 23 U.S.C. 1531 et seq.) that relates to any anadromous fish
 24 species present in the Sacramento and San Joaquin Rivers
 25 or their tributaries and ascend those rivers and their trib-

1 utaries to reproduce after maturing in San Francisco Bay
 2 or the Pacific Ocean.

3 **SEC. 110. REGULATORY STREAMLINING.**

4 (a) **APPLICABILITY OF CERTAIN LAWS.**—Filing of a
 5 Notice of Determination or a Notice of Exemption for any
 6 project, including the issuance of a permit under State
 7 law, related to any project of the CVP or the delivery of
 8 water therefrom in accordance with the California Envi-
 9 ronmental Quality Act shall be deemed to meet the re-
 10 quirements of section 102(2)(C) of the National Environ-
 11 mental Protection Act of 1969 (42 U.S.C. 4332(2)(C)) for
 12 that project or permit.

13 (b) **CONTINUATION OF PROJECT.**—The Bureau of
 14 Reclamation shall not be required to cease or modify any
 15 major Federal action or other activity related to any
 16 project of the CVP or the delivery of water there from
 17 pending completion of judicial review of any determination
 18 made under the National Environmental Protection Act
 19 of 1969 (42 U.S.C. 4332(2)(C)).

20 (c) **PROJECT DEFINED.**—For the purposes of this
 21 section:

22 (1) **CVP.**—The term “CVP” means the Central
 23 Valley Project.

24 (2) **PROJECT.**—The term “project”—

25 (A) means an activity that—

1 (i) is undertaken by a public agency,
 2 funded by a public agency, or that requires
 3 an issuance of a permit by a public agency;

4 (ii) has a potential to result in phys-
 5 ical change to the environment; and

6 (iii) may be subject to several discre-
 7 tionary approvals by governmental agen-
 8 cies;

9 (B) may include construction activities,
 10 clearing or grading of land, improvements to
 11 existing structures, and activities or equipment
 12 involving the issuance of a permit; or

13 (C) as defined under the California Envi-
 14 ronmental Quality Act in section 21065 of the
 15 California Public Resource Code.

16 **SEC. 111. ADDITIONAL EMERGENCY CONSULTATION.**

17 For adjustments to operating criteria other than
 18 under section 108 or to take urgent actions to address
 19 water supply shortages for the least amount of time or
 20 volume of diversion necessary as determined by the Com-
 21 missioner of Reclamation, no mitigation measures shall be
 22 required during any year that the Sacramento Valley
 23 index is 6.5 or lower, or at the request of the State of
 24 California, and until two succeeding years following either
 25 of those events have been completed where the final Sac-

1 ramento Valley Index is 7.8 or greater, and any mitigation
2 measures imposed must be based on quantitative data and
3 required only to the extent that such data demonstrates
4 actual harm to species.

5 **SEC. 112. REGARDING THE OPERATION OF FOLSOM RES-**
6 **ERVOIR.**

7 The Secretary of the Interior, in collaboration with
8 the Sacramento Water Forum, shall expedite evaluation,
9 completion and implementation of the Modified Lower
10 American River Flow Management Standard developed by
11 the Water Forum in 2015 to improve water supply reli-
12 ability for Central Valley Project American River water
13 contractors and resource protection in the lower American
14 River during consecutive dry years under current and fu-
15 ture demand and climate change conditions.

16 **SEC. 113. APPLICANTS.**

17 In the event that the Bureau of Reclamation or an-
18 other Federal agency initiates or reinitiates consultation
19 with the U.S. Fish and Wildlife Service or the National
20 Marine Fisheries Service under section 7(a)(2) of the En-
21 dangered Species Act of 1973 (16 U.S.C. 1536(a)(2)),
22 with respect to construction or operation of the Central
23 Valley Project and State Water Project, or any part there-
24 of, the State Water Project contractors and the Central
25 Valley Project contractors will be accorded all the rights

1 and responsibilities extended to applicants in the consulta-
 2 tion process.

3 **SEC. 114. SAN JOAQUIN RIVER SETTLEMENT.**

4 (a) CALIFORNIA STATE LAW SATISFIED BY WARM
 5 WATER FISHERY.—

6 (1) IN GENERAL.—Sections 5930 through 5948
 7 of the California Fish and Game Code, and all appli-
 8 cable Federal laws, including the San Joaquin River
 9 Restoration Settlement Act (Public Law 111–11)
 10 and the Stipulation of Settlement (Natural Re-
 11 sources Defense Council, et al. v. Kirk Rodgers, et
 12 al., Eastern District of California, No. Civ. S–88–
 13 1658–LKK/GGH), shall be satisfied by the existence
 14 of a warm water fishery in the San Joaquin River
 15 below Friant Dam, but upstream of Gravelly Ford.

16 (2) DEFINITION OF WARM WATER FISHERY.—
 17 For the purposes of this section, the term “warm
 18 water fishery” means a water system that has an
 19 environment suitable for species of fish other than
 20 salmon (including all subspecies) and trout (includ-
 21 ing all subspecies).

22 (b) REPEAL OF THE SAN JOAQUIN RIVER SETTLE-
 23 MENT.—As of the date of enactment of this section, the
 24 Secretary of the Interior shall cease any action to imple-
 25 ment the San Joaquin River Restoration Settlement Act

1 (subtitle A of title X of Public Law 111–11) and the Stip-
 2 ulation of Settlement (Natural Resources Defense Council,
 3 et al. v. Kirk Rodgers, et al., Eastern District of Cali-
 4 fornia, No. Civ. S–88–1658 LKK/GGH).

5 **TITLE II—CALFED STORAGE** 6 **FEASIBILITY STUDIES**

7 **SEC. 201. STUDIES.**

8 The Secretary of the Interior, through the Commis-
 9 sioner of Reclamation, shall—

10 (1) complete the feasibility studies described in
 11 clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of
 12 Public Law 108–361 (118 Stat. 1684) and submit
 13 such studies to the appropriate committees of the
 14 House of Representatives and the Senate not later
 15 than December 31, 2017;

16 (2) complete the feasibility study described in
 17 clause (i)(II) of section 103(d)(1)(A) of Public Law
 18 108–361 and submit such study to the appropriate
 19 committees of the House of Representatives and the
 20 Senate not later than November 30, 2018;

21 (3) complete a publicly available draft of the
 22 feasibility study described in clause (ii)(I) of section
 23 103(d)(1)(A) of Public Law 108–361 and submit
 24 such study to the appropriate committees of the

1 House of Representatives and the Senate not later
2 than November 30, 2018;

3 (4) complete the feasibility study described in
4 clause (ii)(I) of section 103(d)(1)(A) of Public Law
5 108–361 and submit such study to the appropriate
6 committees of the House of Representatives and the
7 Senate not later than November 30, 2019;

8 (5) complete the feasibility study described in
9 section 103(f)(1)(A) of Public Law 108–361 (118
10 Stat. 1694) and submit such study to the appro-
11 priate committees of the House of Representatives
12 and the Senate not later than December 31, 2019;

13 (6) provide a progress report on the status of
14 the feasibility studies referred to in paragraphs (1)
15 through (3) to the appropriate committees of the
16 House of Representatives and the Senate not later
17 than 90 days after the date of the enactment of this
18 Act and each 180 days thereafter until December
19 31, 2019, as applicable. The report shall include
20 timelines for study completion, draft environmental
21 impact statements, final environmental impact state-
22 ments, and Records of Decision;

23 (7) in conducting any feasibility study under
24 this Act, the reclamation laws, the Central Valley
25 Project Improvement Act (title XXXIV of Public

1 Law 102–575; 106 Stat. 4706), the Fish and Wild-
 2 life Coordination Act (16 U.S.C. 661 et seq.), the
 3 Endangered Species Act of 1973 (16 U.S.C. 1531 et
 4 seq.), and other applicable law, for the purposes of
 5 determining feasibility the Secretary shall document,
 6 delineate, and publish costs directly relating to the
 7 engineering and construction of a water storage
 8 project separately from the costs resulting from reg-
 9 ulatory compliance or the construction of auxiliary
 10 facilities necessary to achieve regulatory compliance;
 11 and

12 (8) communicate, coordinate and cooperate with
 13 public water agencies that contract with the United
 14 States for Central Valley Project water and that are
 15 expected to participate in the cost pools that will be
 16 created for the projects proposed in the feasibility
 17 studies under this section.

18 **SEC. 202. TEMPERANCE FLAT.**

19 (a) DEFINITIONS.—For the purposes of this section:

20 (1) PROJECT.—The term “Project” means the
 21 Temperance Flat Reservoir Project on the Upper
 22 San Joaquin River.

23 (2) RMP.—The term “RMP” means the docu-
 24 ment titled “Bakersfield Field Office, Record of De-

1 cision and Approved Resource Management Plan”,
2 dated December 2014.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (b) APPLICABILITY OF RMP.—The RMP and find-
6 ings related thereto shall have no effect on or applicability
7 to the Secretary’s determination of feasibility of, or on any
8 findings or environmental review documents related to—

9 (1) the Project; or

10 (2) actions taken by the Secretary pursuant to
11 section 103(d)(1)(A)(ii)(II) of the Bay-Delta Au-
12 thorization Act (title I of Public Law 108–361).

13 (c) DUTIES OF SECRETARY UPON DETERMINATION
14 OF FEASIBILITY.—If the Secretary finds the Project to
15 be feasible, the Secretary shall manage the land rec-
16 ommended in the RMP for designation under the Wild and
17 Scenic Rivers Act (16 U.S.C. 1271 et seq.) in a manner
18 that does not impede any environmental reviews,
19 preconstruction, construction, or other activities of the
20 Project, regardless of whether or not the Secretary sub-
21 mits any official recommendation to Congress under the
22 Wild and Scenic Rivers Act.

23 (d) RESERVED WATER RIGHTS.—Effective Decem-
24 ber 22, 2017, there shall be no Federal reserved water
25 rights to any segment of the San Joaquin River related

1 to the Project as a result of any designation made under
 2 the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

3 **SEC. 203. CALFED STORAGE ACCOUNTABILITY.**

4 If the Secretary of the Interior fails to provide the
 5 feasibility studies described in section 201 to the appro-
 6 priate committees of the House of Representatives and the
 7 Senate by the times prescribed, the Secretary shall notify
 8 each committee chair individually in person on the status
 9 of each project once a month until the feasibility study
 10 for that project is provided to Congress.

11 **SEC. 204. WATER STORAGE PROJECT CONSTRUCTION.**

12 (a) PARTNERSHIP AND AGREEMENTS.—The Sec-
 13 retary of the Interior, acting through the Commissioner
 14 of the Bureau of Reclamation, may partner or enter into
 15 an agreement on the water storage projects identified in
 16 section 103(d)(1) of the Water Supply Reliability and En-
 17 vironmental Improvement Act (Public Law 108–361) (and
 18 Acts supplemental and amendatory to the Act) with local
 19 joint powers authorities formed pursuant to State law by
 20 irrigation districts and other local water districts and local
 21 governments within the applicable hydrologic region, to
 22 advance those projects.

23 (b) AUTHORIZATION FOR PROJECT.—If the Secretary
 24 determines a project described in section 202(a)(1) and
 25 (2) is feasible, the Secretary is authorized to carry out

1 the project in a manner that is substantially in accordance
 2 with the recommended plan, and subject to the conditions
 3 described in the feasibility study, provided that no Federal
 4 funding shall be used to construct the project.

5 **TITLE III—WATER RIGHTS** 6 **PROTECTIONS**

7 **SEC. 301. OFFSET FOR STATE WATER PROJECT.**

8 (a) IMPLEMENTATION IMPACTS.—The Secretary of
 9 the Interior shall confer with the California Department
 10 of Fish and Wildlife in connection with the implementa-
 11 tion of this title on potential impacts to any consistency
 12 determination for operations of the State Water Project
 13 issued pursuant to California Fish and Game Code section
 14 2080.1.

15 (b) ADDITIONAL YIELD.—If, as a result of the appli-
 16 cation of this title, the California Department of Fish and
 17 Wildlife—

18 (1) revokes the consistency determinations pur-
 19 suant to California Fish and Game Code section
 20 2080.1 that are applicable to the State Water
 21 Project;

22 (2) amends or issues one or more new consist-
 23 ency determinations pursuant to California Fish and
 24 Game Code section 2080.1 in a manner that directly
 25 or indirectly results in reduced water supply to the

1 State Water Project as compared with the water
2 supply available under the smelt biological opinion
3 and the salmonid biological opinion; or

4 (3) requires take authorization under California
5 Fish and Game Code section 2081 for operation of
6 the State Water Project in a manner that directly or
7 indirectly results in reduced water supply to the
8 State Water Project as compared with the water
9 supply available under the smelt biological opinion
10 and the salmonid biological opinion, and as a con-
11 sequence of the Department's action, Central Valley
12 Project yield is greater than it would have been ab-
13 sent the Department's actions, then that additional
14 yield shall be made available to the State Water
15 Project for delivery to State Water Project contrac-
16 tors to offset losses resulting from the Department's
17 action.

18 (c) NOTIFICATION RELATED TO ENVIRONMENTAL
19 PROTECTIONS.—The Secretary of the Interior shall imme-
20 diately notify the Director of the California Department
21 of Fish and Wildlife in writing if the Secretary of the Inte-
22 rior determines that implementation of the smelt biological
23 opinion and the salmonid biological opinion consistent with
24 this title reduces environmental protections for any species
25 covered by the opinions.

1 **SEC. 302. AREA OF ORIGIN PROTECTIONS.**

2 (a) IN GENERAL.—The Secretary of the Interior is
 3 directed, in the operation of the Central Valley Project,
 4 to adhere to California’s water rights laws governing water
 5 rights priorities and to honor water rights senior to those
 6 held by the United States for operation of the Central Val-
 7 ley Project, regardless of the source of priority, including
 8 any appropriative water rights initiated prior to December
 9 19, 1914, as well as water rights and other priorities per-
 10 fected or to be perfected pursuant to California Water
 11 Code Part 2 of Division 2. Article 1.7 (commencing with
 12 section 1215 of chapter 1 of part 2 of division 2, sections
 13 10505, 10505.5, 11128, 11460, 11461, 11462, and
 14 11463, and sections 12200 through 12220, inclusive).

15 (b) DIVERSIONS.—Any action undertaken by the Sec-
 16 retary of the Interior and the Secretary of Commerce pur-
 17 suant to both this title and section 7 of the Endangered
 18 Species Act of 1973 (16 U.S.C. 1531 et seq.) that requires
 19 that diversions from the Sacramento River or the San Joa-
 20 quin River watersheds upstream of the Delta be bypassed
 21 shall not be undertaken in a manner that alters the water
 22 rights priorities established by California law.

23 **SEC. 303. NO REDIRECTED ADVERSE IMPACTS.**

24 (a) IN GENERAL.—The Secretary of the Interior shall
 25 ensure that, except as otherwise provided for in a water
 26 service or repayment contract, actions taken in compliance

1 with legal obligations imposed pursuant to or as a result
2 of this title, including such actions under section 7 of the
3 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
4 and other applicable Federal and State laws, shall not di-
5 rectly or indirectly—

6 (1) result in the involuntary reduction of water
7 supply or fiscal impacts to individuals or districts
8 who receive water from either the State Water
9 Project or the United States under water rights set-
10 tlement contracts, exchange contracts, water service
11 contracts, repayment contracts, or water supply con-
12 tracts; or

13 (2) cause redirected adverse water supply or fis-
14 cal impacts to those within the Sacramento River
15 watershed, the San Joaquin River watershed or the
16 State Water Project service area.

17 (b) COSTS.—To the extent that costs are incurred
18 solely pursuant to or as a result of this title and would
19 not otherwise have been incurred by any entity or public
20 or local agency or subdivision of the State of California,
21 such costs shall not be borne by any such entity, agency,
22 or subdivision of the State of California, unless such costs
23 are incurred on a voluntary basis.

1 (c) RIGHTS AND OBLIGATIONS NOT MODIFIED OR
 2 AMENDED.—Nothing in this title shall modify or amend
 3 the rights and obligations of the parties to any existing—

4 (1) water service, repayment, settlement, pur-
 5 chase, or exchange contract with the United States,
 6 including the obligation to satisfy exchange contracts
 7 and settlement contracts prior to the allocation of
 8 any other Central Valley Project water; or

9 (2) State Water Project water supply or settle-
 10 ment contract with the State.

11 **SEC. 304. ALLOCATIONS FOR SACRAMENTO VALLEY CON-**
 12 **TRACTORS.**

13 (a) ALLOCATIONS.—

14 (1) IN GENERAL.—Subject to paragraph (2)
 15 and subsection (b), the Secretary of the Interior is
 16 directed, in the operation of the Central Valley
 17 Project, to allocate water provided for irrigation pur-
 18 poses to existing Central Valley Project agricultural
 19 water service contractors within the Sacramento
 20 River Watershed in compliance with the following:

21 (A) Not less than 100 percent of their con-
 22 tract quantities in a “Wet” year.

23 (B) Not less than 100 percent of their con-
 24 tract quantities in an “Above Normal” year.

1 (C) Not less than 100 percent of their con-
2 tract quantities in a “Below Normal” year that
3 is preceded by an “Above Normal” or a “Wet”
4 year.

5 (D) Not less than 50 percent of their con-
6 tract quantities in a “Dry” year that is pre-
7 ceded by a “Below Normal”, an “Above Nor-
8 mal”, or a “Wet” year.

9 (E) In all other years not identified herein,
10 the allocation percentage for existing Central
11 Valley Project agricultural water service con-
12 tractors within the Sacramento River Water-
13 shed shall not be less than twice the allocation
14 percentage to south-of-Delta Central Valley
15 Project agricultural water service contractors,
16 up to 100 percent; provided, that nothing here-
17 in shall preclude an allocation to existing Cen-
18 tral Valley Project agricultural water service
19 contractors within the Sacramento River Water-
20 shed that is greater than twice the allocation
21 percentage to south-of-Delta Central Valley
22 Project agricultural water service contractors.

23 (2) CONDITIONS.—The Secretary’s actions
24 under paragraph (a) shall be subject to—

1 (A) the priority of individuals or entities
2 with Sacramento River water rights, including
3 those with Sacramento River Settlement Con-
4 tracts, that have priority to the diversion and
5 use of Sacramento River water over water
6 rights held by the United States for operations
7 of the Central Valley Project;

8 (B) the United States obligation to make
9 a substitute supply of water available to the
10 San Joaquin River Exchange Contractors; and

11 (C) the Secretary's obligation to make
12 water available to managed wetlands pursuant
13 to section 3406(d) of the Central Valley Project
14 Improvement Act (Public Law 102–575).

15 (b) PROTECTION OF MUNICIPAL AND INDUSTRIAL
16 SUPPLIES.—Nothing in subsection (a) shall be deemed
17 to—

18 (1) modify any provision of a water service con-
19 tract that addresses municipal and industrial water
20 shortage policies of the Secretary;

21 (2) affect or limit the authority of the Secretary
22 to adopt or modify municipal and industrial water
23 shortage policies;

1 (3) affect or limit the authority of the Secretary
2 to implement municipal and industrial water short-
3 age policies; or

4 (4) affect allocations to Central Valley Project
5 municipal and industrial contractors pursuant to
6 such policies.

7 Neither subsection (a) nor the Secretary's implementation
8 of subsection (a) shall constrain, govern or affect, directly,
9 the operations of the Central Valley Project's American
10 River Division or any deliveries from that Division, its
11 units or facilities.

12 (c) NO EFFECT ON ALLOCATIONS.—This section
13 shall not—

14 (1) affect the allocation of water to Friant Divi-
15 sion contractors; or

16 (2) result in the involuntary reduction in con-
17 tract water allocations to individuals or entities with
18 contracts to receive water from the Friant Division.

19 (d) PROGRAM FOR WATER RESCHEDULING.—The
20 Secretary of the Interior shall develop and implement a
21 program, not later than 1 year after the date of the enact-
22 ment of this Act, to provide for the opportunity for exist-
23 ing Central Valley Project agricultural water service con-
24 tractors within the Sacramento River Watershed to re-

1 schedule water, provided for under their Central Valley
 2 Project water service contracts, from one year to the next.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “existing Central Valley Project
 5 agricultural water service contractors within the
 6 Sacramento River Watershed” means water service
 7 contractors within the Shasta, Trinity, and Sac-
 8 ramento River Divisions of the Central Valley
 9 Project, that have a water service contract in effect,
 10 on the date of the enactment of this section, that
 11 provides water for irrigation.

12 (2) The year type terms used in subsection (a)
 13 have the meaning given those year types in the Sac-
 14 ramento Valley Water Year Type (40–30–30) Index.

15 **SEC. 305. EFFECT ON EXISTING OBLIGATIONS.**

16 Nothing in this title preempts or modifies any exist-
 17 ing obligation of the United States under Federal reclama-
 18 tion law to operate the Central Valley Project in con-
 19 formity with State law, including established water rights
 20 priorities.

21 **TITLE IV—MISCELLANEOUS**

22 **SEC. 401. WATER SUPPLY ACCOUNTING.**

23 (a) IN GENERAL.—All Central Valley Project water,
 24 except Central Valley Project water released pursuant to
 25 U.S. Department of the Interior Record of Decision, Trin-

1 ity River Mainstem Fishery Restoration Final Environ-
 2 mental Impact Statement/Environmental Impact Report
 3 dated December 2000 used to implement an action under-
 4 taken for a fishery beneficial purpose that was not im-
 5 posed by terms and conditions existing in licenses, per-
 6 mits, and other agreements pertaining to the Central Val-
 7 ley Project under applicable State or Federal law existing
 8 on October 30, 1992, shall be credited to the quantity of
 9 Central Valley Project yield dedicated and managed under
 10 this section; provided, that nothing herein shall affect the
 11 Secretary of the Interior's duty to comply with any other-
 12 wise lawful requirement imposed on operations of the Cen-
 13 tral Valley Project under any provision of Federal or State
 14 law.

15 (b) RECLAMATION POLICIES AND ALLOCATIONS.—
 16 Reclamation policies and allocations shall not be based
 17 upon any premise or assumption that Central Valley
 18 Project contract supplies are supplemental or secondary
 19 to any other contractor source of supply.

20 **SEC. 402. OPERATIONS OF THE TRINITY RIVER DIVISION.**

21 The Secretary of the Interior, in the operation of the
 22 Trinity River Division of the Central Valley Project, shall
 23 not make releases from Lewiston Dam in excess of the
 24 volume for each water-year type required by the U.S. De-
 25 partment of the Interior Record of Decision, Trinity River

1 Mainstem Fishery Restoration Final Environmental Im-
2 pact Statement/Environmental Impact Report dated De-
3 cember 2000.

4 (1) A maximum of 369,000 acre-feet in a
5 “Critically Dry” year.

6 (2) A maximum of 453,000 acre-feet in a
7 “Dry” year.

8 (3) A maximum of 647,000 acre-feet in a “Nor-
9 mal” year.

10 (4) A maximum of 701,000 acre-feet in a
11 “Wet” year.

12 (5) A maximum of 815,000 acre-feet in an
13 “Extremely Wet” year.

14 **SEC. 403. REPORT ON RESULTS OF WATER USAGE.**

15 The Secretary of the Interior, in consultation with the
16 Secretary of Commerce and the Secretary of Natural Re-
17 sources of the State of California, shall publish an annual
18 report detailing instream flow releases from the Central
19 Valley Project and California State Water Project, their
20 explicit purpose and authority, and all measured environ-
21 mental benefit as a result of the releases.

22 **SEC. 404. KLAMATH PROJECT CONSULTATION APPLICANTS.**

23 If the Bureau of Reclamation initiates or reinitiates
24 consultation with the U.S. Fish and Wildlife Service or
25 the National Marine Fisheries Service under section

1 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C.
 2 1536(a)(2)), with respect to construction or operation of
 3 the Klamath Project (or any part thereof), Klamath
 4 Project contractors shall be accorded all the rights and
 5 responsibilities extended to applicants in the consultation
 6 process. Upon request of the Klamath Project contractors,
 7 they may be represented through an association or organi-
 8 zation.

9 **SEC. 405. LOSSES CAUSED BY THE CONSTRUCTION AND OP-**
 10 **ERATION OF STORAGE PROJECTS.**

11 (a) MARINAS, RECREATIONAL FACILITIES, OTHER
 12 BUSINESSES.—If in constructing any new or modified
 13 water storage project included in section 103(d)(1)(A) of
 14 Public Law 108–361 (118 Stat. 1684), the Bureau of Rec-
 15 lamation destroys or otherwise adversely affects any exist-
 16 ing marina, recreational facility, or other water-dependent
 17 business when constructing or operating a new or modified
 18 water storage project, the Secretaries of the Interior and
 19 Agriculture, acting through the Bureau and the Forest
 20 Service shall—

- 21 (1) provide compensation otherwise required by
- 22 law; and
- 23 (2) provide the owner of the affected marina,
- 24 recreational facility, or other water-dependent busi-
- 25 ness under mutually agreeable terms and conditions

1 with the right of first refusal to construct and oper-
2 ate a replacement marina, recreational facility, or
3 other water-dependent business, as the case may be,
4 on United States land associated with the new or
5 modified water storage project.

6 (b) HYDROELECTRIC PROJECTS.—If in constructing
7 any new or modified water storage project included in sec-
8 tion 103(d)(1)(A) of Public Law 108–361 (118 Stat.
9 1684), the Bureau of Reclamation reduces or eliminates
10 the capacity or generation of any existing non-Federal hy-
11 droelectric project by inundation or otherwise, the Sec-
12 retary of the Interior shall—

13 (1) provide compensation otherwise required by
14 law;

15 (2) provide the owner of the affected hydro-
16 electric project under mutually agreeable terms and
17 conditions with a right of first refusal to construct,
18 operate, and maintain replacement hydroelectric
19 generating facilities at such new or modified water
20 storage project, on federal land associated with the
21 new or modified water storage project or on private
22 land owned by the affected hydroelectric project
23 owner;

24 (3) provide compensation for the construction
25 of any water conveyance facilities as are necessary to

1 convey water to any new powerhouse constructed by
 2 such owner in association with such new hydro-
 3 electric generating facilities; and

4 (4) provide for subsections (b)(1), (b)(2), and
 5 (b)(3) at a cost not to exceed the estimated value of
 6 the actual impacts to any existing non-Federal hy-
 7 droelectric project and as estimated for the associ-
 8 ated feasibility study, including additional planning,
 9 environmental, design, construction, and operations
 10 and maintenance costs for existing and replacement
 11 facilities.

12 (c) COST ALLOCATION.—Any compensation under
 13 this section shall be a project cost and allocated to project
 14 beneficiaries.

15 (d) APPLICABILITY.—This section shall only apply to
 16 federally owned water storage projects, whether authorized
 17 under this Act or some other authority.

18 (e) LIMITATION.—Nothing in this section affects the
 19 ability of landowners or tribes to seek compensation or any
 20 other remedy otherwise required by law.

21 **SEC. 406. CA STATE WATER RESOURCES CONTROL BOARD.**

22 (a) IN GENERAL.—In carrying out this Act, the Sec-
 23 retaries shall—

24 (1) recognize Congressional opposition to the
 25 violation of private property rights by the California

1 State Water Resources Control Board in their pro-
 2 posal to require a minimum percentage of
 3 unimpaired flows in the main tributaries of the San
 4 Joaquin River; and

5 (2) recognize the need to provide reliable water
 6 supplies to municipal, industrial, and agricultural
 7 users across the State.

8 **TITLE V—WATER SUPPLY** 9 **PERMITTING ACT**

10 **SEC. 501. SHORT TITLE.**

11 This title may be cited as the “Water Supply Permit-
 12 ting Coordination Act”.

13 **SEC. 502. DEFINITIONS.**

14 In this title:

15 (1) SECRETARY.—The term “Secretary” means
 16 the Secretary of the Interior.

17 (2) BUREAU.—The term “Bureau” means the
 18 Bureau of Reclamation.

19 (3) QUALIFYING PROJECTS.—The term “quali-
 20 fying projects” means new surface water storage
 21 projects in the States covered under the Act of June
 22 17, 1902 (32 Stat. 388, chapter 1093), and Acts
 23 supplemental to and amendatory of that Act (43
 24 U.S.C. 371 et seq.) constructed on lands adminis-
 25 tered by the Department of the Interior or the De-

1 partment of Agriculture, exclusive of any easement,
2 right-of-way, lease, or any private holding.

3 (4) COOPERATING AGENCIES.—The term “co-
4 operating agency” means a Federal agency with ju-
5 risdiction over a review, analysis, opinion, statement,
6 permit, license, or other approval or decision re-
7 quired for a qualifying project under applicable Fed-
8 eral laws and regulations, or a State agency subject
9 to section 503(c).

10 **SEC. 503. ESTABLISHMENT OF LEAD AGENCY AND COOPER-**
11 **ATING AGENCIES.**

12 (a) ESTABLISHMENT OF LEAD AGENCY.—The Bu-
13 reau of Reclamation is established as the lead agency for
14 purposes of coordinating all reviews, analyses, opinions,
15 statements, permits, licenses, or other approvals or deci-
16 sions required under Federal law to construct qualifying
17 projects.

18 (b) IDENTIFICATION AND ESTABLISHMENT OF CO-
19 OPERATING AGENCIES.—The Commissioner of the Bureau
20 shall—

21 (1) identify, as early as practicable upon receipt
22 of an application for a qualifying project, any Fed-
23 eral agency that may have jurisdiction over a review,
24 analysis, opinion, statement, permit, license, ap-

1 proval, or decision required for a qualifying project
 2 under applicable Federal laws and regulations; and

3 (2) notify any such agency, within a reasonable
 4 timeframe, that the agency has been designated as
 5 a cooperating agency in regards to the qualifying
 6 project unless that agency responds to the Bureau in
 7 writing, within a timeframe set forth by the Bureau,
 8 notifying the Bureau that the agency—

9 (A) has no jurisdiction or authority with
 10 respect to the qualifying project;

11 (B) has no expertise or information rel-
 12 evant to the qualifying project or any review,
 13 analysis, opinion, statement, permit, license, or
 14 other approval or decision associated therewith;
 15 or

16 (C) does not intend to submit comments
 17 on the qualifying project or conduct any review
 18 of such a project or make any decision with re-
 19 spect to such project in a manner other than in
 20 cooperation with the Bureau.

21 (c) STATE AUTHORITY.—A State in which a quali-
 22 fying project is being considered may choose, consistent
 23 with State law—

24 (1) to participate as a cooperating agency; and

1 (2) to make subject to the processes of this title
2 all State agencies that—

3 (A) have jurisdiction over the qualifying
4 project;

5 (B) are required to conduct or issue a re-
6 view, analysis, or opinion for the qualifying
7 project; or

8 (C) are required to make a determination
9 on issuing a permit, license, or approval for the
10 qualifying project.

11 **SEC. 504. BUREAU RESPONSIBILITIES.**

12 (a) IN GENERAL.—The principal responsibilities of
13 the Bureau under this title are to—

14 (1) serve as the point of contact for applicants,
15 State agencies, Indian tribes, and others regarding
16 proposed qualifying projects;

17 (2) coordinate preparation of unified environ-
18 mental documentation that will serve as the basis for
19 all Federal decisions necessary to authorize the use
20 of Federal lands for qualifying projects; and

21 (3) coordinate all Federal agency reviews nec-
22 essary for project development and construction of
23 qualifying projects.

24 (b) COORDINATION PROCESS.—The Bureau shall
25 have the following coordination responsibilities:

1 (1) PRE-APPLICATION COORDINATION.—Notify
2 cooperating agencies of proposed qualifying projects
3 not later than 30 days after receipt of a proposal
4 and facilitate a preapplication meeting for prospec-
5 tive applicants, relevant Federal and State agencies,
6 and Indian tribes to—

7 (A) explain applicable processes, data re-
8 quirements, and applicant submissions nec-
9 essary to complete the required Federal agency
10 reviews within the timeframe established; and

11 (B) establish the schedule for the quali-
12 fying project.

13 (2) CONSULTATION WITH COOPERATING AGEN-
14 CIES.—Consult with the cooperating agencies
15 throughout the Federal agency review process, iden-
16 tify and obtain relevant data in a timely manner,
17 and set necessary deadlines for cooperating agencies.

18 (3) SCHEDULE.—Work with the qualifying
19 project applicant and cooperating agencies to estab-
20 lish a project schedule. In establishing the schedule,
21 the Bureau shall consider, among other factors—

22 (A) the responsibilities of cooperating
23 agencies under applicable laws and regulations;

1 (B) the resources available to the cooper-
2 ating agencies and the non-Federal qualifying
3 project sponsor, as applicable;

4 (C) the overall size and complexity of the
5 qualifying project;

6 (D) the overall schedule for and cost of the
7 qualifying project; and

8 (E) the sensitivity of the natural and his-
9 toric resources that may be affected by the
10 qualifying project.

11 (4) ENVIRONMENTAL COMPLIANCE.—Prepare a
12 unified environmental review document for each
13 qualifying project application, incorporating a single
14 environmental record on which all cooperating agen-
15 cies with authority to issue approvals for a given
16 qualifying project shall base project approval deci-
17 sions. Help ensure that cooperating agencies make
18 necessary decisions, within their respective authori-
19 ties, regarding Federal approvals in accordance with
20 the following timelines:

21 (A) Not later than one year after accept-
22 ance of a completed project application when an
23 environmental assessment and finding of no sig-
24 nificant impact is determined to be the appro-
25 priate level of review under the National Envi-

1 ronmental Policy Act of 1969 (42 U.S.C. 4321
2 et seq.).

3 (B) Not later than one year and 30 days
4 after the close of the public comment period for
5 a draft environmental impact statement under
6 the National Environmental Policy Act of 1969
7 (42 U.S.C. 4321 et seq.), when an environ-
8 mental impact statement is required under the
9 same.

10 (5) CONSOLIDATED ADMINISTRATIVE
11 RECORD.—Maintain a consolidated administrative
12 record of the information assembled and used by the
13 cooperating agencies as the basis for agency deci-
14 sions.

15 (6) PROJECT DATA RECORDS.—To the extent
16 practicable and consistent with Federal law, ensure
17 that all project data is submitted and maintained in
18 generally accessible electronic format, compile, and
19 where authorized under existing law, make available
20 such project data to cooperating agencies, the quali-
21 fying project applicant, and to the public.

22 (7) PROJECT MANAGER.—Appoint a project
23 manager for each qualifying project. The project
24 manager shall have authority to oversee the project
25 and to facilitate the issuance of the relevant final

1 authorizing documents, and shall be responsible for
2 ensuring fulfillment of all Bureau responsibilities set
3 forth in this section and all cooperating agency re-
4 sponsibilities under section 505.

5 **SEC. 505. COOPERATING AGENCY RESPONSIBILITIES.**

6 (a) ADHERENCE TO BUREAU SCHEDULE.—Upon no-
7 tification of an application for a qualifying project, all co-
8 operating agencies shall submit to the Bureau a timeframe
9 under which the cooperating agency reasonably considers
10 it will be able to complete its authorizing responsibilities.
11 The Bureau shall use the timeframe submitted under this
12 subsection to establish the project schedule under section
13 504, and the cooperating agencies shall adhere to the
14 project schedule established by the Bureau.

15 (b) ENVIRONMENTAL RECORD.—Cooperating agen-
16 cies shall submit to the Bureau all environmental review
17 material produced or compiled in the course of carrying
18 out activities required under Federal law consistent with
19 the project schedule established by the Bureau.

20 (c) DATA SUBMISSION.—To the extent practicable
21 and consistent with Federal law, the cooperating agencies
22 shall submit all relevant project data to the Bureau in a
23 generally accessible electronic format subject to the project
24 schedule set forth by the Bureau.

1 **SEC. 506. FUNDING TO PROCESS PERMITS.**

2 (a) IN GENERAL.—The Secretary, after public notice
 3 in accordance with the Administrative Procedures Act (5
 4 U.S.C. 553), may accept and expend funds contributed by
 5 a non-Federal public entity to expedite the evaluation of
 6 a permit of that entity related to a qualifying project.

7 (b) EFFECT ON PERMITTING.—

8 (1) IN GENERAL.—In carrying out this section,
 9 the Secretary shall ensure that the use of funds ac-
 10 cepted under subsection (a) will not impact impartial
 11 decisionmaking with respect to permits, either sub-
 12 stantively or procedurally.

13 (2) EVALUATION OF PERMITS.—In carrying out
 14 this section, the Secretary shall ensure that the eval-
 15 uation of permits carried out using funds accepted
 16 under this section shall—

17 (A) be reviewed by the Regional Director
 18 of the Bureau, or the Regional Director's des-
 19 ignee, of the region in which the qualifying
 20 project or activity is located; and

21 (B) use the same procedures for decisions
 22 that would otherwise be required for the evalua-
 23 tion of permits for similar projects or activities
 24 not carried out using funds authorized under
 25 this section.

1 (3) IMPARTIAL DECISIONMAKING.—In carrying
2 out this section, the Secretary and the cooperating
3 agencies receiving funds under this section for quali-
4 fying projects shall ensure that the use of the funds
5 accepted under this section for such projects shall
6 not—

7 (A) impact impartial decisionmaking with
8 respect to the issuance of permits, either sub-
9 stantively or procedurally; or

10 (B) diminish, modify, or otherwise affect
11 the statutory or regulatory authorities of such
12 agencies.

13 (c) LIMITATION ON USE OF FUNDS.—None of the
14 funds accepted under this section shall be used to carry
15 out a review of the evaluation of permits required under
16 subsection (b)(2)(A).

17 (d) PUBLIC AVAILABILITY.—The Secretary shall en-
18 sure that all final permit decisions carried out using funds
19 authorized under this section are made available to the
20 public, including on the Internet.

1 **TITLE VI—BUREAU OF REC-**
 2 **LAMATION PROJECT STREAM-**
 3 **LINING**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “Bureau of Reclama-
 6 tion Project Streamlining Act”.

7 **SEC. 602. DEFINITIONS.**

8 In this title:

9 (1) ENVIRONMENTAL IMPACT STATEMENT.—

10 The term “environmental impact statement” means
 11 the detailed statement of environmental impacts of
 12 a project required to be prepared pursuant to the
 13 National Environmental Policy Act of 1969 (42
 14 U.S.C. 4321 et seq.).

15 (2) ENVIRONMENTAL REVIEW PROCESS.—

16 (A) IN GENERAL.—The term “environ-
 17 mental review process” means the process of
 18 preparing an environmental impact statement,
 19 environmental assessment, categorical exclusion,
 20 or other document under the National Environ-
 21 mental Policy Act of 1969 (42 U.S.C. 4321 et
 22 seq.) for a project study.

23 (B) INCLUSIONS.—The term “environ-
 24 mental review process” includes the process for
 25 and completion of any environmental permit,

1 approval, review, or study required for a project
2 study under any Federal law other than the
3 National Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.).

5 (3) FEDERAL JURISDICTIONAL AGENCY.—The
6 term “Federal jurisdictional agency” means a Fed-
7 eral agency with jurisdiction delegated by law, regu-
8 lation, order, or otherwise over a review, analysis,
9 opinion, statement, permit, license, or other approval
10 or decision required for a project study under appli-
11 cable Federal laws (including regulations).

12 (4) FEDERAL LEAD AGENCY.—The term “Fed-
13 eral lead agency” means the Bureau of Reclamation.

14 (5) PROJECT.—The term “project” means a
15 surface water project, a project under the purview of
16 title XVI of Public Law 102–575, or a rural water
17 supply project investigated under Public Law 109–
18 451 to be carried out, funded or operated in whole
19 or in part by the Secretary pursuant to the Act of
20 June 17, 1902 (32 Stat. 388, chapter 1093), and
21 Acts supplemental to and amendatory of that Act
22 (43 U.S.C. 371 et seq.).

23 (6) PROJECT SPONSOR.—The term “project
24 sponsor” means a State, regional, or local authority
25 or instrumentality or other qualifying entity, such as

1 a water conservation district, irrigation district,
2 water conservancy district, joint powers authority,
3 mutual water company, canal company, rural water
4 district or association, or any other entity that has
5 the capacity to contract with the United States
6 under Federal reclamation law.

7 (7) PROJECT STUDY.—The term “project
8 study” means a feasibility study for a project carried
9 out pursuant to the Act of June 17, 1902 (32 Stat.
10 388, chapter 1093), and Acts supplemental to and
11 amendatory of that Act (43 U.S.C. 371 et seq.).

12 (8) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (9) SURFACE WATER STORAGE.—The term
15 “surface water storage” means any surface water
16 reservoir or impoundment that would be owned,
17 funded or operated in whole or in part by the Bu-
18 reau of Reclamation or that would be integrated into
19 a larger system owned, operated or administered in
20 whole or in part by the Bureau of Reclamation.

21 **SEC. 603. ACCELERATION OF STUDIES.**

22 (a) IN GENERAL.—To the extent practicable, a
23 project study initiated by the Secretary, after the date of
24 enactment of this Act, under the Reclamation Act of 1902

1 (32 Stat. 388), and all Acts amendatory thereof or supple-
2 mentary thereto, shall—

3 (1) result in the completion of a final feasibility
4 report not later than 3 years after the date of initi-
5 ation;

6 (2) have a maximum Federal cost of
7 \$3,000,000; and

8 (3) ensure that personnel from the local project
9 area, region, and headquarters levels of the Bureau
10 of Reclamation concurrently conduct the review re-
11 quired under this section.

12 (b) EXTENSION.—If the Secretary determines that a
13 project study described in subsection (a) will not be con-
14 ducted in accordance with subsection (a), the Secretary,
15 not later than 30 days after the date of making the deter-
16 mination, shall—

17 (1) prepare an updated project study schedule
18 and cost estimate;

19 (2) notify the non-Federal project cost-sharing
20 partner that the project study has been delayed; and

21 (3) provide written notice to the Committee on
22 Natural Resources of the House of Representatives
23 and the Committee on Energy and Natural Re-
24 sources of the Senate as to the reasons the require-
25 ments of subsection (a) are not attainable.

1 (c) EXCEPTION.—

2 (1) IN GENERAL.—Notwithstanding the re-
3 quirements of subsection (a), the Secretary may ex-
4 tend the timeline of a project study by a period not
5 to exceed 3 years, if the Secretary determines that
6 the project study is too complex to comply with the
7 requirements of subsection (a).

8 (2) FACTORS.—In making a determination that
9 a study is too complex to comply with the require-
10 ments of subsection (a), the Secretary shall con-
11 sider—

12 (A) the type, size, location, scope, and
13 overall cost of the project;

14 (B) whether the project will use any inno-
15 vative design or construction techniques;

16 (C) whether the project will require signifi-
17 cant action by other Federal, State, or local
18 agencies;

19 (D) whether there is significant public dis-
20 pute as to the nature or effects of the project;
21 and

22 (E) whether there is significant public dis-
23 pute as to the economic or environmental costs
24 or benefits of the project.

1 (3) NOTIFICATION.—Each time the Secretary
2 makes a determination under this subsection, the
3 Secretary shall provide written notice to the Com-
4 mittee on Natural Resources of the House of Rep-
5 resentatives and the Committee on Energy and Nat-
6 ural Resources of the Senate as to the results of
7 that determination, including an identification of the
8 specific one or more factors used in making the de-
9 termination that the project is complex.

10 (4) LIMITATION.—The Secretary shall not ex-
11 tend the timeline for a project study for a period of
12 more than 7 years, and any project study that is not
13 completed before that date shall no longer be au-
14 thorized.

15 (d) REVIEWS.—Not later than 90 days after the date
16 of the initiation of a project study described in subsection
17 (a), the Secretary shall—

18 (1) take all steps necessary to initiate the proc-
19 ess for completing federally mandated reviews that
20 the Secretary is required to complete as part of the
21 study, including the environmental review process
22 under section 805;

23 (2) convene a meeting of all Federal, tribal, and
24 State agencies identified under section 605(d) that
25 may—

1 (A) have jurisdiction over the project;

2 (B) be required by law to conduct or issue
3 a review, analysis, opinion, or statement for the
4 project study; or

5 (C) be required to make a determination
6 on issuing a permit, license, or other approval
7 or decision for the project study; and

8 (3) take all steps necessary to provide informa-
9 tion that will enable required reviews and analyses
10 related to the project to be conducted by other agen-
11 cies in a thorough and timely manner.

12 (e) INTERIM REPORT.—Not later than 18 months
13 after the date of enactment of this Act, the Secretary shall
14 submit to the Committee on Natural Resources of the
15 House of Representatives and the Committee on Energy
16 and Natural Resources of the Senate and make publicly
17 available a report that describes—

18 (1) the status of the implementation of the
19 planning process under this section, including the
20 number of participating projects;

21 (2) a review of project delivery schedules, in-
22 cluding a description of any delays on those studies
23 initiated prior to the date of the enactment of this
24 Act; and

1 (3) any recommendations for additional author-
2 ity necessary to support efforts to expedite the
3 project.

4 (f) FINAL REPORT.—Not later than 4 years after the
5 date of enactment of this Act, the Secretary shall submit
6 to the Committee on Natural Resources of the House of
7 Representatives and the Committee on Energy and Nat-
8 ural Resources of the Senate and make publicly available
9 a report that describes—

10 (1) the status of the implementation of this sec-
11 tion, including a description of each project study
12 subject to the requirements of this section;

13 (2) the amount of time taken to complete each
14 project study; and

15 (3) any recommendations for additional author-
16 ity necessary to support efforts to expedite the
17 project study process, including an analysis of
18 whether the limitation established by subsection
19 (a)(2) needs to be adjusted to address the impacts
20 of inflation.

21 **SEC. 604. EXPEDITED COMPLETION OF REPORTS.**

22 The Secretary shall—

23 (1) expedite the completion of any ongoing
24 project study initiated before the date of enactment
25 of this Act; and

1 (2) if the Secretary determines that the project
2 is justified in a completed report, proceed directly to
3 preconstruction planning, engineering, and design of
4 the project in accordance with the Reclamation Act
5 of 1902 (32 Stat. 388), and all Acts amendatory
6 thereof or supplementary thereto.

7 **SEC. 605. PROJECT ACCELERATION.**

8 (a) APPLICABILITY.—

9 (1) IN GENERAL.—This section shall apply to—

10 (A) each project study that is initiated
11 after the date of enactment of this Act and for
12 which an environmental impact statement is
13 prepared under the National Environmental
14 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

15 (B) the extent determined appropriate by
16 the Secretary, to other project studies initiated
17 before the date of enactment of this Act and for
18 which an environmental review process docu-
19 ment is prepared under the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et
21 seq.); and

22 (C) any project study for the development
23 of a nonfederally owned and operated surface
24 water storage project for which the Secretary

determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

(3) LIST OF PROJECT STUDIES.—

(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a list of all project studies that the Secretary has determined—

(i) meets the standards described in paragraph (1); and

1 (ii) does not have adequate funding to
2 make substantial progress toward the com-
3 pletion of the project study.

4 (B) INCLUSIONS.—The Secretary shall in-
5 clude for each project study on the list under
6 subparagraph (A) a description of the estimated
7 amounts necessary to make substantial progress
8 on the project study.

9 (b) PROJECT REVIEW PROCESS.—

10 (1) IN GENERAL.—The Secretary shall develop
11 and implement a coordinated environmental review
12 process for the development of project studies.

13 (2) COORDINATED REVIEW.—The coordinated
14 environmental review process described in paragraph
15 (1) shall require that any review, analysis, opinion,
16 statement, permit, license, or other approval or deci-
17 sion issued or made by a Federal, State, or local
18 governmental agency or an Indian tribe for a project
19 study described in subsection (b) be conducted, to
20 the maximum extent practicable, concurrently with
21 any other applicable governmental agency or Indian
22 tribe.

23 (3) TIMING.—The coordinated environmental
24 review process under this subsection shall be com-
25 pleted not later than the date on which the Sec-

1 retary, in consultation and concurrence with the
2 agencies identified under section 705(d), establishes
3 with respect to the project study.

4 (c) LEAD AGENCIES.—

5 (1) JOINT LEAD AGENCIES.—

6 (A) IN GENERAL.—Subject to the require-
7 ments of the National Environmental Policy
8 Act of 1969 (42 U.S.C. 4321 et seq.) and the
9 requirements of section 1506.8 of title 40, Code
10 of Federal Regulations (or successor regula-
11 tions), including the concurrence of the pro-
12 posed joint lead agency, a project sponsor may
13 serve as the joint lead agency.

14 (B) PROJECT SPONSOR AS JOINT LEAD
15 AGENCY.—A project sponsor that is a State or
16 local governmental entity may—

17 (i) with the concurrence of the Sec-
18 retary, serve as a joint lead agency with
19 the Federal lead agency for purposes of
20 preparing any environmental document
21 under the National Environmental Policy
22 Act of 1969 (42 U.S.C. 4321 et seq.); and

23 (ii) prepare any environmental review
24 process document under the National En-
25 vironmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) required in support of any
2 action or approval by the Secretary if—

3 (I) the Secretary provides guid-
4 ance in the preparation process and
5 independently evaluates that docu-
6 ment;

7 (II) the project sponsor complies
8 with all requirements applicable to the
9 Secretary under—

10 (aa) the National Environ-
11 mental Policy Act of 1969 (42
12 U.S.C. 4321 et seq.);

13 (bb) any regulation imple-
14 menting that Act; and

15 (cc) any other applicable
16 Federal law; and

17 (III) the Secretary approves and
18 adopts the document before the Sec-
19 retary takes any subsequent action or
20 makes any approval based on that
21 document, regardless of whether the
22 action or approval of the Secretary re-
23 sults in Federal funding.

24 (2) DUTIES.—The Secretary shall ensure
25 that—

1 (A) the project sponsor complies with all
2 design and mitigation commitments made joint-
3 ly by the Secretary and the project sponsor in
4 any environmental document prepared by the
5 project sponsor in accordance with this sub-
6 section; and

7 (B) any environmental document prepared
8 by the project sponsor is appropriately supple-
9 mented to address any changes to the project
10 the Secretary determines are necessary.

11 (3) ADOPTION AND USE OF DOCUMENTS.—Any
12 environmental document prepared in accordance
13 with this subsection shall be adopted and used by
14 any Federal agency making any determination re-
15 lated to the project study to the same extent that
16 the Federal agency could adopt or use a document
17 prepared by another Federal agency under—

18 (A) the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.); and

20 (B) parts 1500 through 1508 of title 40,
21 Code of Federal Regulations (or successor regu-
22 lations).

23 (4) ROLES AND RESPONSIBILITY OF LEAD
24 AGENCY.—With respect to the environmental review

1 process for any project study, the Federal lead agen-
2 cy shall have authority and responsibility—

3 (A) to take such actions as are necessary
4 and proper and within the authority of the Fed-
5 eral lead agency to facilitate the expeditious
6 resolution of the environmental review process
7 for the project study; and

8 (B) to prepare or ensure that any required
9 environmental impact statement or other envi-
10 ronmental review document for a project study
11 required to be completed under the National
12 Environmental Policy Act of 1969 (42 U.S.C.
13 4321 et seq.) is completed in accordance with
14 this section and applicable Federal law.

15 (d) PARTICIPATING AND COOPERATING AGENCIES.—

16 (1) IDENTIFICATION OF JURISDICTIONAL AGEN-
17 CIES.—With respect to carrying out the environ-
18 mental review process for a project study, the Sec-
19 retary shall identify, as early as practicable in the
20 environmental review process, all Federal, State, and
21 local government agencies and Indian tribes that
22 may—

23 (A) have jurisdiction over the project;

1 (B) be required by law to conduct or issue
2 a review, analysis, opinion, or statement for the
3 project study; or

4 (C) be required to make a determination
5 on issuing a permit, license, or other approval
6 or decision for the project study.

7 (2) STATE AUTHORITY.—If the environmental
8 review process is being implemented by the Sec-
9 retary for a project study within the boundaries of
10 a State, the State, consistent with State law, may
11 choose to participate in the process and to make
12 subject to the process all State agencies that—

13 (A) have jurisdiction over the project;

14 (B) are required to conduct or issue a re-
15 view, analysis, opinion, or statement for the
16 project study; or

17 (C) are required to make a determination
18 on issuing a permit, license, or other approval
19 or decision for the project study.

20 (3) INVITATION.—

21 (A) IN GENERAL.—The Federal lead agen-
22 cy shall invite, as early as practicable in the en-
23 vironmental review process, any agency identi-
24 fied under paragraph (1) to become a partici-
25 pating or cooperating agency, as applicable, in

1 the environmental review process for the project
2 study.

3 (B) DEADLINE.—An invitation to partici-
4 pate issued under subparagraph (A) shall set a
5 deadline by which a response to the invitation
6 shall be submitted, which may be extended by
7 the Federal lead agency for good cause.

8 (4) PROCEDURES.—Section 1501.6 of title 40,
9 Code of Federal Regulations (as in effect on the
10 date of enactment of the Bureau of Reclamation
11 Project Streamlining Act), shall govern the identi-
12 fication and the participation of a cooperating agen-
13 cy.

14 (5) FEDERAL COOPERATING AGENCIES.—Any
15 Federal agency that is invited by the Federal lead
16 agency to participate in the environmental review
17 process for a project study shall be designated as a
18 cooperating agency by the Federal lead agency un-
19 less the invited agency informs the Federal lead
20 agency, in writing, by the deadline specified in the
21 invitation that the invited agency—

22 (A)(i) has no jurisdiction or authority with
23 respect to the project;

24 (ii) has no expertise or information rel-
25 evant to the project; or

1 (iii) does not have adequate funds to par-
2 ticipate in the project; and

3 (B) does not intend to submit comments
4 on the project.

5 (6) ADMINISTRATION.—A participating or co-
6 operating agency shall comply with this section and
7 any schedule established under this section.

8 (7) EFFECT OF DESIGNATION.—Designation as
9 a participating or cooperating agency under this
10 subsection shall not imply that the participating or
11 cooperating agency—

12 (A) supports a proposed project; or

13 (B) has any jurisdiction over, or special ex-
14 pertise with respect to evaluation of, the
15 project.

16 (8) CONCURRENT REVIEWS.—Each partici-
17 pating or cooperating agency shall—

18 (A) carry out the obligations of that agen-
19 cy under other applicable law concurrently and
20 in conjunction with the required environmental
21 review process, unless doing so would prevent
22 the participating or cooperating agency from
23 conducting needed analysis or otherwise car-
24 rying out those obligations; and

1 (B) formulate and implement administra-
2 tive, policy, and procedural mechanisms to en-
3 able the agency to ensure completion of the en-
4 vironmental review process in a timely, coordi-
5 nated, and environmentally responsible manner.

6 (e) NON-FEDERAL PROJECTS INTEGRATED INTO
7 RECLAMATION SYSTEMS.—The Federal lead agency shall
8 serve in that capacity for the entirety of all non-Federal
9 projects that will be integrated into a larger system owned,
10 operated or administered in whole or in part by the Bu-
11 reau of Reclamation.

12 (f) NON-FEDERAL PROJECT.—If the Secretary deter-
13 mines that a project can be expedited by a non-Federal
14 sponsor and that there is a demonstrable Federal interest
15 in expediting that project, the Secretary shall take such
16 actions as are necessary to advance such a project as a
17 non-Federal project, including, but not limited to, entering
18 into agreements with the non-Federal sponsor of such
19 project to support the planning, design and permitting of
20 such project as a non-Federal project.

21 (g) PROGRAMMATIC COMPLIANCE.—

22 (1) IN GENERAL.—The Secretary shall issue
23 guidance regarding the use of programmatic ap-
24 proaches to carry out the environmental review proc-
25 ess that—

1 (A) eliminates repetitive discussions of the
2 same issues;

3 (B) focuses on the actual issues ripe for
4 analyses at each level of review;

5 (C) establishes a formal process for coordi-
6 nating with participating and cooperating agen-
7 cies, including the creation of a list of all data
8 that are needed to carry out an environmental
9 review process; and

10 (D) complies with—

11 (i) the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4321 et seq.); and

13 (ii) all other applicable laws.

14 (2) REQUIREMENTS.—In carrying out para-
15 graph (1), the Secretary shall—

16 (A) as the first step in drafting guidance
17 under that paragraph, consult with relevant
18 Federal, State, and local governmental agen-
19 cies, Indian tribes, and the public on the appro-
20 priate use and scope of the programmatic ap-
21 proaches;

22 (B) emphasize the importance of collabora-
23 tion among relevant Federal, State, and local
24 governmental agencies, and Indian tribes in un-
25 dertaking programmatic reviews, especially with

1 respect to including reviews with a broad geo-
2 graphical scope;

3 (C) ensure that the programmatic re-
4 views—

5 (i) promote transparency, including of
6 the analyses and data used in the environ-
7 mental review process, the treatment of
8 any deferred issues raised by Federal,
9 State, and local governmental agencies, In-
10 dian tribes, or the public, and the temporal
11 and special scales to be used to analyze
12 those issues;

13 (ii) use accurate and timely informa-
14 tion in the environmental review process,
15 including—

16 (I) criteria for determining the
17 general duration of the usefulness of
18 the review; and

19 (II) the timeline for updating any
20 out-of-date review;

21 (iii) describe—

22 (I) the relationship between pro-
23 grammatic analysis and future tiered
24 analysis; and

1 (II) the role of the public in the
 2 creation of future tiered analysis; and
 3 (iv) are available to other relevant
 4 Federal, State, and local governmental
 5 agencies, Indian tribes, and the public;
 6 (D) allow not fewer than 60 days of public
 7 notice and comment on any proposed guidance;
 8 and
 9 (E) address any comments received under
 10 subparagraph (D).

11 (h) COORDINATED REVIEWS.—

12 (1) COORDINATION PLAN.—

13 (A) ESTABLISHMENT.—The Federal lead
 14 agency shall, after consultation with and with
 15 the concurrence of each participating and co-
 16 operating agency and the project sponsor or
 17 joint lead agency, as applicable, establish a plan
 18 for coordinating public and agency participation
 19 in, and comment on, the environmental review
 20 process for a project study or a category of
 21 project studies.

22 (B) SCHEDULE.—

23 (i) IN GENERAL.—As soon as prac-
 24 ticable but not later than 45 days after the
 25 close of the public comment period on a

1 draft environmental impact statement, the
2 Federal lead agency, after consultation
3 with and the concurrence of each partici-
4 pating and cooperating agency and the
5 project sponsor or joint lead agency, as ap-
6 plicable, shall establish, as part of the co-
7 ordination plan established in subpara-
8 graph (A), a schedule for completion of the
9 environmental review process for the
10 project study.

11 (ii) FACTORS FOR CONSIDERATION.—

12 In establishing a schedule, the Secretary
13 shall consider factors such as—

14 (I) the responsibilities of partici-
15 pating and cooperating agencies under
16 applicable laws;

17 (II) the resources available to the
18 project sponsor, joint lead agency, and
19 other relevant Federal and State
20 agencies, as applicable;

21 (III) the overall size and com-
22 plexity of the project;

23 (IV) the overall schedule for and
24 cost of the project; and

1 (V) the sensitivity of the natural
2 and historical resources that could be
3 affected by the project.

4 (iii) MODIFICATIONS.—The Secretary
5 may—

6 (I) lengthen a schedule estab-
7 lished under clause (i) for good cause;
8 and

9 (II) shorten a schedule only with
10 concurrence of the affected partici-
11 pating and cooperating agencies and
12 the project sponsor or joint lead agen-
13 cy, as applicable.

14 (iv) DISSEMINATION.—A copy of a
15 schedule established under clause (i) shall
16 be—

17 (I) provided to each participating
18 and cooperating agency and the
19 project sponsor or joint lead agency,
20 as applicable; and

21 (II) made available to the public.

22 (2) COMMENT DEADLINES.—The Federal lead
23 agency shall establish the following deadlines for
24 comment during the environmental review process
25 for a project study:

1 (A) DRAFT ENVIRONMENTAL IMPACT
2 STATEMENTS.—For comments by Federal and
3 State agencies and the public on a draft envi-
4 ronmental impact statement, a period of not
5 more than 60 days after publication in the Fed-
6 eral Register of notice of the date of public
7 availability of the draft environmental impact
8 statement, unless—

9 (i) a different deadline is established
10 by agreement of the Federal lead agency,
11 the project sponsor or joint lead agency, as
12 applicable, and all participating and co-
13 operating agencies; or

14 (ii) the deadline is extended by the
15 Federal lead agency for good cause.

16 (B) OTHER ENVIRONMENTAL REVIEW
17 PROCESSES.—For all other comment periods es-
18 tablished by the Federal lead agency for agency
19 or public comments in the environmental review
20 process, a period of not more than 30 days
21 after the date on which the materials on which
22 comment is requested are made available, un-
23 less—

24 (i) a different deadline is established
25 by agreement of the Federal lead agency,

the project sponsor, or joint lead agency,
as applicable, and all participating and co-
operating agencies; or

(ii) the deadline is extended by the
Federal lead agency for good cause.

(3) DEADLINES FOR DECISIONS UNDER OTHER
LAWS.—In any case in which a decision under any
Federal law relating to a project study, including the
issuance or denial of a permit or license, is required
to be made by the date described in subsection
(i)(5)(B), the Secretary shall submit to the Com-
mittee on Natural Resources of the House of Rep-
resentatives and the Committee on Energy and Nat-
ural Resources of the Senate—

(A) as soon as practicable after the 180-
day period described in subsection (i)(5)(B), an
initial notice of the failure of the Federal agen-
cy to make the decision; and

(B) every 60 days thereafter until such
date as all decisions of the Federal agency re-
lating to the project study have been made by
the Federal agency, an additional notice that
describes the number of decisions of the Fed-
eral agency that remain outstanding as of the
date of the additional notice.

1 (4) INVOLVEMENT OF THE PUBLIC.—Nothing
2 in this subsection reduces any time period provided
3 for public comment in the environmental review
4 process under applicable Federal law (including reg-
5 ulations).

6 (5) TRANSPARENCY REPORTING.—

7 (A) REPORTING REQUIREMENTS.—Not
8 later than 1 year after the date of enactment of
9 this Act, the Secretary shall establish and main-
10 tain an electronic database and, in coordination
11 with other Federal and State agencies, issue re-
12 porting requirements to make publicly available
13 the status and progress with respect to compli-
14 ance with applicable requirements of the Na-
15 tional Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.) and any other Federal,
17 State, or local approval or action required for a
18 project study for which this section is applica-
19 ble.

20 (B) PROJECT STUDY TRANSPARENCY.—

21 Consistent with the requirements established
22 under subparagraph (A), the Secretary shall
23 make publicly available the status and progress
24 of any Federal, State, or local decision, action,
25 or approval required under applicable laws for

1 each project study for which this section is ap-
2 plicable.

3 (i) ISSUE IDENTIFICATION AND RESOLUTION.—

4 (1) COOPERATION.—The Federal lead agency,
5 the cooperating agencies, and any participating
6 agencies shall work cooperatively in accordance with
7 this section to identify and resolve issues that could
8 delay completion of the environmental review process
9 or result in the denial of any approval required for
10 the project study under applicable laws.

11 (2) FEDERAL LEAD AGENCY RESPONSIBIL-
12 ITIES.—

13 (A) IN GENERAL.—The Federal lead agen-
14 cy shall make information available to the co-
15 operating agencies and participating agencies as
16 early as practicable in the environmental review
17 process regarding the environmental and socio-
18 economic resources located within the project
19 area and the general locations of the alter-
20 natives under consideration.

21 (B) DATA SOURCES.—The information
22 under subparagraph (A) may be based on exist-
23 ing data sources, including geographic informa-
24 tion systems mapping.

1 (3) COOPERATING AND PARTICIPATING AGENCY
2 RESPONSIBILITIES.—Based on information received
3 from the Federal lead agency, cooperating and par-
4 ticipating agencies shall identify, as early as prac-
5 ticable, any issues of concern regarding the potential
6 environmental or socioeconomic impacts of the
7 project, including any issues that could substantially
8 delay or prevent an agency from granting a permit
9 or other approval that is needed for the project
10 study.

11 (4) ACCELERATED ISSUE RESOLUTION AND
12 ELEVATION.—

13 (A) IN GENERAL.—On the request of a
14 participating or cooperating agency or project
15 sponsor, the Secretary shall convene an issue
16 resolution meeting with the relevant partici-
17 pating and cooperating agencies and the project
18 sponsor or joint lead agency, as applicable, to
19 resolve issues that may—

20 (i) delay completion of the environ-
21 mental review process; or

22 (ii) result in denial of any approval re-
23 quired for the project study under applica-
24 ble laws.

1 (B) MEETING DATE.—A meeting requested
2 under this paragraph shall be held not later
3 than 21 days after the date on which the Sec-
4 retary receives the request for the meeting, un-
5 less the Secretary determines that there is good
6 cause to extend that deadline.

7 (C) NOTIFICATION.—On receipt of a re-
8 quest for a meeting under this paragraph, the
9 Secretary shall notify all relevant participating
10 and cooperating agencies of the request, includ-
11 ing the issue to be resolved and the date for the
12 meeting.

13 (D) ELEVATION OF ISSUE RESOLUTION.—
14 If a resolution cannot be achieved within the
15 30-day period beginning on the date of a meet-
16 ing under this paragraph and a determination
17 is made by the Secretary that all information
18 necessary to resolve the issue has been ob-
19 tained, the Secretary shall forward the dispute
20 to the heads of the relevant agencies for resolu-
21 tion.

22 (E) CONVENTION BY SECRETARY.—The
23 Secretary may convene an issue resolution
24 meeting under this paragraph at any time, at
25 the discretion of the Secretary, regardless of

1 whether a meeting is requested under subpara-
2 graph (A).

3 (5) FINANCIAL PENALTY PROVISIONS.—

4 (A) IN GENERAL.—A Federal jurisdictional
5 agency shall complete any required approval or
6 decision for the environmental review process
7 on an expeditious basis using the shortest exist-
8 ing applicable process.

9 (B) FAILURE TO DECIDE.—

10 (i) IN GENERAL.—

11 (I) TRANSFER OF FUNDS.—If a
12 Federal jurisdictional agency fails to
13 render a decision required under any
14 Federal law relating to a project study
15 that requires the preparation of an
16 environmental impact statement or
17 environmental assessment, including
18 the issuance or denial of a permit, li-
19 cense, statement, opinion, or other ap-
20 proval by the date described in clause
21 (ii), the amount of funds made avail-
22 able to support the office of the head
23 of the Federal jurisdictional agency
24 shall be reduced by an amount of
25 funding equal to the amount specified

1 in item (aa) or (bb) of subclause (II),
2 and those funds shall be made avail-
3 able to the division of the Federal ju-
4 risdictional agency charged with ren-
5 dering the decision by not later than
6 1 day after the applicable date under
7 clause (ii), and once each week there-
8 after until a final decision is rendered,
9 subject to subparagraph (C).

10 (II) AMOUNT TO BE TRANS-
11 FERRED.—The amount referred to in
12 subclause (I) is—

13 (aa) \$20,000 for any project
14 study requiring the preparation
15 of an environmental assessment
16 or environmental impact state-
17 ment; or

18 (bb) \$10,000 for any project
19 study requiring any type of re-
20 view under the National Environ-
21 mental Policy Act of 1969 (42
22 U.S.C. 4321 et seq.) other than
23 an environmental assessment or
24 environmental impact statement.

1 (ii) DESCRIPTION OF DATE.—The
2 date referred to in clause (i) is the later
3 of—

4 (I) the date that is 180 days
5 after the date on which an application
6 for the permit, license, or approval is
7 complete; and

8 (II) the date that is 180 days
9 after the date on which the Federal
10 lead agency issues a decision on the
11 project under the National Environ-
12 mental Policy Act of 1969 (42 U.S.C.
13 4321 et seq.).

14 (C) LIMITATIONS.—

15 (i) IN GENERAL.—No transfer of
16 funds under subparagraph (B) relating to
17 an individual project study shall exceed, in
18 any fiscal year, an amount equal to 1 per-
19 cent of the funds made available for the
20 applicable agency office.

21 (ii) FAILURE TO DECIDE.—The total
22 amount transferred in a fiscal year as a re-
23 sult of a failure by an agency to make a
24 decision by an applicable deadline shall not
25 exceed an amount equal to 5 percent of the

1 funds made available for the applicable
2 agency office for that fiscal year.

3 (iii) AGGREGATE.—Notwithstanding
4 any other provision of law, for each fiscal
5 year, the aggregate amount of financial
6 penalties assessed against each applicable
7 agency office under this title and any other
8 Federal law as a result of a failure of the
9 agency to make a decision by an applicable
10 deadline for environmental review, includ-
11 ing the total amount transferred under this
12 paragraph, shall not exceed an amount
13 equal to 9.5 percent of the funds made
14 available for the agency office for that fis-
15 cal year.

16 (D) NOTIFICATION OF TRANSFERS.—Not
17 later than 10 days after the last date in a fiscal
18 year on which funds of the Federal jurisdic-
19 tional agency may be transferred under sub-
20 paragraph (B)(5) with respect to an individual
21 decision, the agency shall submit to the appro-
22 priate committees of the House of Representa-
23 tives and the Senate written notification that
24 includes a description of—

25 (i) the decision;

1 (ii) the project study involved;

2 (iii) the amount of each transfer
3 under subparagraph (B) in that fiscal year
4 relating to the decision;

5 (iv) the total amount of all transfers
6 under subparagraph (B) in that fiscal year
7 relating to the decision; and

8 (v) the total amount of all transfers of
9 the agency under subparagraph (B) in that
10 fiscal year.

11 (E) NO FAULT OF AGENCY.—

12 (i) IN GENERAL.—A transfer of funds
13 under this paragraph shall not be made if
14 the applicable agency described in subpara-
15 graph (A) notifies, with a supporting ex-
16 planation, the Federal lead agency, cooper-
17 ating agencies, and project sponsor, as ap-
18 plicable, that—

19 (I) the agency has not received
20 necessary information or approvals
21 from another entity in a manner that
22 affects the ability of the agency to
23 meet any requirements under Federal,
24 State, or local law;

1 (II) significant new information,
2 including from public comments, or
3 circumstances, including a major
4 modification to an aspect of the
5 project, requires additional analysis
6 for the agency to make a decision on
7 the project application; or

8 (III) the agency lacks the finan-
9 cial resources to complete the review
10 under the scheduled timeframe, in-
11 cluding a description of the number of
12 full-time employees required to com-
13 plete the review, the amount of fund-
14 ing required to complete the review,
15 and a justification as to why not
16 enough funding is available to com-
17 plete the review by the deadline.

18 (ii) LACK OF FINANCIAL RE-
19 SOURCES.—If the agency provides notice
20 under clause (i)(III), the Inspector General
21 of the agency shall—

22 (I) conduct a financial audit to
23 review the notice; and

24 (II) not later than 90 days after
25 the date on which the review described

1 in subclause (I) is completed, submit
 2 to the Committee on Natural Re-
 3 sources of the House of Representa-
 4 tives and the Committee on Energy
 5 and Natural Resources of the Senate
 6 the results of the audit conducted
 7 under subclause (I).

8 (F) LIMITATION.—The Federal agency
 9 from which funds are transferred pursuant to
 10 this paragraph shall not reprogram funds to the
 11 office of the head of the agency, or equivalent
 12 office, to reimburse that office for the loss of
 13 the funds.

14 (G) EFFECT OF PARAGRAPH.—Nothing in
 15 this paragraph affects or limits the application
 16 of, or obligation to comply with, any Federal,
 17 State, local, or tribal law.

18 (j) MEMORANDUM OF AGREEMENTS FOR EARLY CO-
 19 ORDINATION.—

20 (1) SENSE OF CONGRESS.—It is the sense of
 21 Congress that—

22 (A) the Secretary and other Federal agen-
 23 cies with relevant jurisdiction in the environ-
 24 mental review process should cooperate with
 25 each other, State and local agencies, and Indian

1 tribes on environmental review and Bureau of
 2 Reclamation project delivery activities at the
 3 earliest practicable time to avoid delays and du-
 4 plication of effort later in the process, prevent
 5 potential conflicts, and ensure that planning
 6 and project development decisions reflect envi-
 7 ronmental values; and

8 (B) the cooperation referred to in subpara-
 9 graph (A) should include the development of
 10 policies and the designation of staff that advise
 11 planning agencies and project sponsors of stud-
 12 ies or other information foreseeably required for
 13 later Federal action and early consultation with
 14 appropriate State and local agencies and Indian
 15 tribes.

16 (2) TECHNICAL ASSISTANCE.—If requested at
 17 any time by a State or project sponsor, the Sec-
 18 retary and other Federal agencies with relevant ju-
 19 risdiction in the environmental review process, shall,
 20 to the maximum extent practicable and appropriate,
 21 as determined by the agencies, provide technical as-
 22 sistance to the State or project sponsor in carrying
 23 out early coordination activities.

24 (3) MEMORANDUM OF AGENCY AGREEMENT.—
 25 If requested at any time by a State or project spon-

1 sor, the Federal lead agency, in consultation with
2 other Federal agencies with relevant jurisdiction in
3 the environmental review process, may establish
4 memoranda of agreement with the project sponsor,
5 Indian tribes, State and local governments, and
6 other appropriate entities to carry out the early co-
7 ordination activities, including providing technical
8 assistance in identifying potential impacts and miti-
9 gation issues in an integrated fashion.

10 (k) LIMITATIONS.—Nothing in this section preempts
11 or interferes with—

12 (1) any obligation to comply with the provisions
13 of any Federal law, including—

14 (A) the National Environmental Policy Act
15 of 1969 (42 U.S.C. 4321 et seq.); and

16 (B) any other Federal environmental law;

17 (2) the reviewability of any final Federal agency
18 action in a court of the United States or in the court
19 of any State;

20 (3) any requirement for seeking, considering, or
21 responding to public comment; or

22 (4) any power, jurisdiction, responsibility, duty,
23 or authority that a Federal, State, or local govern-
24 mental agency, Indian tribe, or project sponsor has

1 with respect to carrying out a project or any other
2 provision of law applicable to projects.

3 (l) TIMING OF CLAIMS.—

4 (1) TIMING.—

5 (A) IN GENERAL.—Notwithstanding any
6 other provision of law, a claim arising under
7 Federal law seeking judicial review of a permit,
8 license, or other approval issued by a Federal
9 agency for a project study shall be barred un-
10 less the claim is filed not later than 3 years
11 after publication of a notice in the Federal Reg-
12 ister announcing that the permit, license, or
13 other approval is final pursuant to the law
14 under which the agency action is taken, unless
15 a shorter time is specified in the Federal law
16 that allows judicial review.

17 (B) APPLICABILITY.—Nothing in this sub-
18 section creates a right to judicial review or
19 places any limit on filing a claim that a person
20 has violated the terms of a permit, license, or
21 other approval.

22 (2) NEW INFORMATION.—

23 (A) IN GENERAL.—The Secretary shall
24 consider new information received after the
25 close of a comment period if the information

1 satisfies the requirements for a supplemental
 2 environmental impact statement under title 40,
 3 Code of Federal Regulations (including suc-
 4 cessor regulations).

5 (B) SEPARATE ACTION.—The preparation
 6 of a supplemental environmental impact state-
 7 ment or other environmental document, if re-
 8 quired under this section, shall be considered a
 9 separate final agency action and the deadline
 10 for filing a claim for judicial review of the ac-
 11 tion shall be 3 years after the date of publica-
 12 tion of a notice in the Federal Register an-
 13 nouncing the action relating to such supple-
 14 mental environmental impact statement or
 15 other environmental document.

16 (m) CATEGORICAL EXCLUSIONS.—

17 (1) IN GENERAL.—Not later than 180 days
 18 after the date of enactment of this Act, the Sec-
 19 retary shall—

20 (A) survey the use by the Bureau of Rec-
 21 lamation of categorical exclusions in projects
 22 since 2005;

23 (B) publish a review of the survey that in-
 24 cludes a description of—

1 (i) the types of actions that were cat-
 2 egorically excluded or could be the basis
 3 for developing a new categorical exclusion;
 4 and

5 (ii) any requests previously received
 6 by the Secretary for new categorical exclu-
 7 sions; and

8 (C) solicit requests from other Federal
 9 agencies and project sponsors for new categor-
 10 ical exclusions.

11 (2) NEW CATEGORICAL EXCLUSIONS.—Not
 12 later than 1 year after the date of enactment of this
 13 Act, if the Secretary has identified a category of ac-
 14 tivities that merit establishing a categorical exclusion
 15 that did not exist on the day before the date of en-
 16 actment this Act based on the review under para-
 17 graph (1), the Secretary shall publish a notice of
 18 proposed rulemaking to propose that new categorical
 19 exclusion, to the extent that the categorical exclusion
 20 meets the criteria for a categorical exclusion under
 21 section 1508.4 of title 40, Code of Federal Regula-
 22 tions (or successor regulation).

23 (n) REVIEW OF PROJECT ACCELERATION RE-
 24 FORMS.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall—

3 (A) assess the reforms carried out under
4 this section; and

5 (B) not later than 5 years and not later
6 than 10 years after the date of enactment of
7 this Act, submit to the Committee on Natural
8 Resources of the House of Representatives and
9 the Committee on Energy and Natural Re-
10 sources of the Senate a report that describes
11 the results of the assessment.

12 (2) CONTENTS.—The reports under paragraph
13 (1) shall include an evaluation of impacts of the re-
14 forms carried out under this section on—

15 (A) project delivery;

16 (B) compliance with environmental laws;

17 and

18 (C) the environmental impact of projects.

19 (o) PERFORMANCE MEASUREMENT.—The Secretary
20 shall establish a program to measure and report on
21 progress made toward improving and expediting the plan-
22 ning and environmental review process.

23 (p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—
24 For the repair, reconstruction, or rehabilitation of a Bu-
25 reau of Reclamation surface water storage project that is

1 in operation or under construction when damaged by an
 2 event or incident that results in a declaration by the Presi-
 3 dent of a major disaster or emergency pursuant to the
 4 Robert T. Stafford Disaster Relief and Emergency Assist-
 5 ance Act (42 U.S.C. 5121 et seq.), the Secretary shall
 6 treat such repair, reconstruction, or rehabilitation activity
 7 as a class of action categorically excluded from the re-
 8 quirements relating to environmental assessments or envi-
 9 ronmental impact statements under section 1508.4 of title
 10 40, Code of Federal Regulations (or successor regula-
 11 tions), if the repair or reconstruction activity is—

12 (1) in the same location with the same capacity,
 13 dimensions, and design as the original Bureau of
 14 Reclamation surface water storage project as before
 15 the declaration described in this section; and

16 (2) commenced within a 2-year period begin-
 17 ning on the date of a declaration described in this
 18 subsection.

19 **SEC. 606. ANNUAL REPORT TO CONGRESS.**

20 (a) IN GENERAL.—Not later than February 1 of each
 21 year, the Secretary shall develop and submit to the Com-
 22 mittee on Natural Resources of the House of Representa-
 23 tives and the Committee on Energy and Natural Re-
 24 sources of the Senate an annual report, to be entitled “Re-

1 port to Congress on Future Water Project Development”,
 2 that identifies the following:

3 (1) PROJECT REPORTS.—Each project report
 4 that meets the criteria established in subsection
 5 (c)(1)(A).

6 (2) PROPOSED PROJECT STUDIES.—Any pro-
 7 posed project study submitted to the Secretary by a
 8 non-Federal interest pursuant to subsection (b) that
 9 meets the criteria established in subsection
 10 (c)(1)(A).

11 (3) PROPOSED MODIFICATIONS.—Any proposed
 12 modification to an authorized water project or
 13 project study that meets the criteria established in
 14 subsection (c)(1)(A) that—

15 (A) is submitted to the Secretary by a non-
 16 Federal interest pursuant to subsection (b); or

17 (B) is identified by the Secretary for au-
 18 thorization.

19 (4) EXPEDITED COMPLETION OF REPORT AND
 20 DETERMINATIONS.—Any project study that was ex-
 21 pedited and any Secretarial determinations under
 22 section 804.

23 (b) REQUESTS FOR PROPOSALS.—

24 (1) PUBLICATION.—Not later than May 1 of
 25 each year, the Secretary shall publish in the Federal

1 Register a notice requesting proposals from non-
 2 Federal interests for proposed project studies and
 3 proposed modifications to authorized projects and
 4 project studies to be included in the annual report.

5 (2) DEADLINE FOR REQUESTS.—The Secretary
 6 shall include in each notice required by this sub-
 7 section a requirement that non-Federal interests
 8 submit to the Secretary any proposals described in
 9 paragraph (1) by not later than 120 days after the
 10 date of publication of the notice in the Federal Reg-
 11 ister in order for the proposals to be considered for
 12 inclusion in the annual report.

13 (3) NOTIFICATION.—On the date of publication
 14 of each notice required by this subsection, the Sec-
 15 retary shall—

16 (A) make the notice publicly available, in-
 17 cluding on the Internet; and

18 (B) provide written notification of the pub-
 19 lication to the Committee on Natural Resources
 20 of the House of Representatives and the Com-
 21 mittee on Energy and Natural Resources of the
 22 Senate.

23 (c) CONTENTS.—

24 (1) PROJECT REPORTS, PROPOSED PROJECT
 25 STUDIES, AND PROPOSED MODIFICATIONS.—

1 (A) CRITERIA FOR INCLUSION IN RE-
2 PORT.—The Secretary shall include in the an-
3 nual report only those project reports, proposed
4 project studies, and proposed modifications to
5 authorized projects and project studies that—

6 (i) are related to the missions and au-
7 thorities of the Bureau of Reclamation;

8 (ii) require specific congressional au-
9 thorization, including by an Act of Con-
10 gress;

11 (iii) have not been congressionally au-
12 thorized;

13 (iv) have not been included in any
14 previous annual report; and

15 (v) if authorized, could be carried out
16 by the Bureau of Reclamation.

17 (B) DESCRIPTION OF BENEFITS.—

18 (i) DESCRIPTION.—The Secretary
19 shall describe in the annual report, to the
20 extent applicable and practicable, for each
21 proposed project study and proposed modi-
22 fication to an authorized water resources
23 development project or project study in-
24 cluded in the annual report, the benefits,

1 as described in clause (ii), of each such
2 study or proposed modification.

3 (ii) BENEFITS.—The benefits (or ex-
4 pected benefits, in the case of a proposed
5 project study) described in this clause are
6 benefits to—

7 (I) the protection of human life
8 and property;

9 (II) improvement to domestic ir-
10 rigated water and power supplies;

11 (III) the national economy;

12 (IV) the environment; or

13 (V) the national security inter-
14 ests of the United States.

15 (C) IDENTIFICATION OF OTHER FAC-
16 TORS.—The Secretary shall identify in the an-
17 nual report, to the extent practicable—

18 (i) for each proposed project study in-
19 cluded in the annual report, the non-Fed-
20 eral interest that submitted the proposed
21 project study pursuant to subsection (b);
22 and

23 (ii) for each proposed project study
24 and proposed modification to a project or
25 project study included in the annual re-

port, whether the non-Federal interest has demonstrated—

(I) that local support exists for the proposed project study or proposed modification to an authorized project or project study (including the surface water storage development project that is the subject of the proposed feasibility study or the proposed modification to an authorized project study); and

(II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each project report, proposed project study, and proposed modification to a project or project study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the project report;

- 1 (ii) the proposed project study;
- 2 (iii) the authorized project study for
- 3 which the modification is proposed; or
- 4 (iv) construction of—
 - 5 (I) the project that is the subject
 - 6 of—
 - 7 (aa) the water report;
 - 8 (bb) the proposed project
 - 9 study; or
 - 10 (cc) the authorized project
 - 11 study for which a modification is
 - 12 proposed; or
 - 13 (II) the proposed modification to
 - 14 a project;
 - 15 (B) a letter or statement of support for the
 - 16 water report, proposed project study, or pro-
 - 17 posed modification to a project or project study
 - 18 from each associated non-Federal interest;
 - 19 (C) the purpose of the feasibility report,
 - 20 proposed feasibility study, or proposed modi-
 - 21 fication to a project or project study;
 - 22 (D) an estimate, to the extent practicable,
 - 23 of the Federal, non-Federal, and total costs
 - 24 of—

1 (i) the proposed modification to an
2 authorized project study; and

3 (ii) construction of—

4 (I) the project that is the subject
5 of—

6 (aa) the project report; or

7 (bb) the authorized project
8 study for which a modification is
9 proposed, with respect to the
10 change in costs resulting from
11 such modification; or

12 (II) the proposed modification to
13 an authorized project; and

14 (E) an estimate, to the extent practicable,
15 of the monetary and nonmonetary benefits of—

16 (i) the project that is the subject of—

17 (I) the project report; or

18 (II) the authorized project study
19 for which a modification is proposed,
20 with respect to the benefits of such
21 modification; or

22 (ii) the proposed modification to an
23 authorized project.

24 (3) CERTIFICATION.—The Secretary shall in-
25 clude in the annual report a certification stating

1 that each feasibility report, proposed feasibility
2 study, and proposed modification to a project or
3 project study included in the annual report meets
4 the criteria established in paragraph (1)(A).

5 (4) APPENDIX.—The Secretary shall include in
6 the annual report an appendix listing the proposals
7 submitted under subsection (b) that were not in-
8 cluded in the annual report under paragraph (1)(A)
9 and a description of why the Secretary determined
10 that those proposals did not meet the criteria for in-
11 clusion under such paragraph.

12 (d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—

13 Notwithstanding any other deadlines required by this sec-
14 tion, the Secretary shall—

15 (1) not later than 60 days after the date of en-
16 actment of this Act, publish in the Federal Register
17 a notice required by subsection (b)(1); and

18 (2) include in such notice a requirement that
19 non-Federal interests submit to the Secretary any
20 proposals described in subsection (b)(1) by not later
21 than 120 days after the date of publication of such
22 notice in the Federal Register in order for such pro-
23 posals to be considered for inclusion in the first an-
24 nual report developed by the Secretary under this
25 section.

1 (e) PUBLICATION.—Upon submission of an annual
 2 report to Congress, the Secretary shall make the annual
 3 report publicly available, including through publication on
 4 the Internet.

5 (f) DEFINITION.—In this section, the term “project
 6 report” means a final feasibility report developed under
 7 the Reclamation Act of 1902 (32 Stat. 388), and all Acts
 8 amendatory thereof or supplementary thereto.

9 **TITLE VII—ACCELERATED REV-**
 10 **ENUE, REPAYMENT, AND SUR-**
 11 **FACE WATER STORAGE EN-**
 12 **HANCEMENT**

13 **SEC. 701. SHORT TITLE.**

14 This title may be cited as the “Accelerated Revenue,
 15 Repayment, and Surface Water Storage Enhancement
 16 Act”.

17 **SEC. 702. PREPAYMENT OF CERTAIN REPAYMENT CON-**
 18 **TRACTS BETWEEN THE UNITED STATES AND**
 19 **CONTRACTORS OF FEDERALLY DEVELOPED**
 20 **WATER SUPPLIES.**

21 (a) CONVERSION AND PREPAYMENT OF CON-
 22 TRACTS.—

23 (1) CONVERSION.—Upon request of the con-
 24 tractor, the Secretary of the Interior shall convert
 25 any water service contract in effect on the date of

1 enactment of this Act and between the United
 2 States and a water users' association to allow for
 3 prepayment of the repayment contract pursuant to
 4 paragraph (2) under mutually agreeable terms and
 5 conditions. The manner of conversion under this
 6 paragraph shall be as follows:

7 (A) Water service contracts that were en-
 8 tered into under section 9(e) of the Act of Au-
 9 gust 4, 1939 (53 Stat. 1196), to be converted
 10 under this section shall be converted to repay-
 11 ment contracts under section 9(d) of that Act
 12 (53 Stat. 1195).

13 (B) Water service contracts that were en-
 14 tered under subsection (c)(2) of section 9 of the
 15 Act of August 4, 1939 (53 Stat. 1194), to be
 16 converted under this section shall be converted
 17 to a contract under subsection (c)(1) of section
 18 9 of that Act (53 Stat. 1195).

19 (2) PREPAYMENT.—Except for those repayment
 20 contracts under which the contractor has previously
 21 negotiated for prepayment, all repayment contracts
 22 under section 9(d) of that Act (53 Stat. 1195) in ef-
 23 fect on the date of enactment of this Act at the re-
 24 quest of the contractor, and all contracts converted
 25 pursuant to paragraph (1)(A) shall—

1 (A) provide for the repayment, either in
2 lump sum or by accelerated prepayment, of the
3 remaining construction costs identified in water
4 project specific irrigation rate repayment sched-
5 ules, as adjusted to reflect payment not re-
6 flected in such schedule, and properly assign-
7 able for ultimate return by the contractor, or if
8 made in approximately equal installments, no
9 later than 3 years after the effective date of the
10 repayment contract, such amount to be dis-
11 counted by $\frac{1}{2}$ the Treasury rate. An estimate
12 of the remaining construction costs, as ad-
13 justed, shall be provided by the Secretary to the
14 contractor no later than 90 days following re-
15 ceipt of request of the contractor;

16 (B) require that construction costs or
17 other capitalized costs incurred after the effec-
18 tive date of the contract or not reflected in the
19 rate schedule referenced in subparagraph (A),
20 and properly assignable to such contractor shall
21 be repaid in not more than 5 years after notifi-
22 cation of the allocation if such amount is a re-
23 sult of a collective annual allocation of capital
24 costs to the contractors exercising contract con-
25 versation under this subsection of less than

1 \$5,000,000. If such amount is \$5,000,000 or
2 greater, such cost shall be repaid as provided by
3 applicable reclamation law;

4 (C) provide that power revenues will not be
5 available to aid in repayment of construction
6 costs allocated to irrigation under the contract;
7 and

8 (D) continue so long as the contractor
9 pays applicable charges, consistent with section
10 9(d) of the Act of August 4, 1939 (53 Stat.
11 1195), and applicable law.

12 (3) CONTRACT REQUIREMENTS.—Except for
13 those repayment contracts under which the con-
14 tractor has previously negotiated for prepayment,
15 the following shall apply with regard to all repay-
16 ment contracts under subsection (c)(1) of section 9
17 of that Act (53 Stat. 1195) in effect on the date of
18 enactment of this Act at the request of the con-
19 tractor, and all contracts converted pursuant to
20 paragraph (1)(B):

21 (A) Provide for the repayment in lump
22 sum of the remaining construction costs identi-
23 fied in water project specific municipal and in-
24 dustrial rate repayment schedules, as adjusted
25 to reflect payments not reflected in such sched-

1 ule, and properly assignable for ultimate return
2 by the contractor. An estimate of the remaining
3 construction costs, as adjusted, shall be pro-
4 vided by the Secretary to the contractor no
5 later than 90 days after receipt of request of
6 contractor.

7 (B) The contract shall require that con-
8 struction costs or other capitalized costs in-
9 curred after the effective date of the contract or
10 not reflected in the rate schedule referenced in
11 subparagraph (A), and properly assignable to
12 such contractor, shall be repaid in not more
13 than 5 years after notification of the allocation
14 if such amount is a result of a collective annual
15 allocation of capital costs to the contractors ex-
16 ercising contract conversation under this sub-
17 section of less than \$5,000,000. If such amount
18 is \$5,000,000 or greater, such cost shall be re-
19 paid as provided by applicable reclamation law.

20 (C) Continue so long as the contractor
21 pays applicable charges, consistent with section
22 9(c)(1) of the Act of August 4, 1939 (53 Stat.
23 1195), and applicable law.

24 (4) CONDITIONS.—All contracts entered into
25 pursuant to paragraphs (1), (2), and (3) shall—

1 (A) not be adjusted on the basis of the
2 type of prepayment financing used by the water
3 users' association;

4 (B) conform to any other agreements, such
5 as applicable settlement agreements and new
6 constructed appurtenant facilities; and

7 (C) not modify other water service, repay-
8 ment, exchange and transfer contractual rights
9 between the water users' association, and the
10 Bureau of Reclamation, or any rights, obliga-
11 tions, or relationships of the water users' asso-
12 ciation and their landowners as provided under
13 State law.

14 (b) ACCOUNTING.—The amounts paid pursuant to
15 subsection (a) shall be subject to adjustment following a
16 final cost allocation by the Secretary of the Interior. In
17 the event that the final cost allocation indicates that the
18 costs properly assignable to the contractor are greater
19 than what has been paid by the contractor, the contractor
20 shall be obligated to pay the remaining allocated costs.
21 The term of such additional repayment contract shall be
22 not less than one year and not more than 10 years, how-
23 ever, mutually agreeable provisions regarding the rate of
24 repayment of such amount may be developed by the par-
25 ties. In the event that the final cost allocation indicates

1 that the costs properly assignable to the contractor are
 2 less than what the contractor has paid, the Secretary shall
 3 credit such overpayment as an offset against any out-
 4 standing or future obligation of the contractor.

5 (c) APPLICABILITY OF CERTAIN PROVISIONS.—

6 (1) EFFECT OF EXISTING LAW.—Upon a con-
 7 tractor's compliance with and discharge of the obli-
 8 gation of repayment of the construction costs pursu-
 9 ant to a contract entered into pursuant to subsection
 10 (a)(2)(A), subsections (a) and (b) of section 213 of
 11 the Reclamation Reform Act of 1982 (96 Stat.
 12 1269) shall apply to affected lands.

13 (2) EFFECT OF OTHER OBLIGATIONS.—The ob-
 14 ligation of a contractor to repay construction costs
 15 or other capitalized costs described in subsection
 16 (a)(2)(B), (a)(3)(B), or (b) shall not affect a con-
 17 tractor's status as having repaid all of the construc-
 18 tion costs assignable to the contractor or the appli-
 19 cability of subsections (a) and (b) of section 213 of
 20 the Reclamation Reform Act of 1982 (96 Stat.
 21 1269) once the amount required to be paid by the
 22 contractor under the repayment contract entered
 23 into pursuant to subsection (a)(2)(A) have been
 24 paid.

1 (d) EFFECT ON EXISTING LAW NOT ALTERED.—Im-
 2 plementation of the provisions of this title shall not alter—

3 (1) the repayment obligation of any water serv-
 4 ice or repayment contractor receiving water from the
 5 same water project, or shift any costs that would
 6 otherwise have been properly assignable to the water
 7 users' association identified in subsections (a)(1),
 8 (a)(2), and (a)(3) absent this section, including op-
 9 eration and maintenance costs, construction costs, or
 10 other capitalized costs incurred after the date of the
 11 enactment of this Act, or to other contractors; and

12 (2) specific requirements for the disposition of
 13 amounts received as repayments by the Secretary
 14 under the Act of June 17, 1902 (32 Stat. 388, chap-
 15 ter 1093), and Acts supplemental to and amend-
 16 atory of that Act (43 U.S.C. 371 et seq.).

17 (e) SURFACE WATER STORAGE ENHANCEMENT PRO-
 18 GRAM.—

19 (1) IN GENERAL.—Except as provided in sub-
 20 section (d)(2), three years following the date of en-
 21 actment of this Act, 50 percent of receipts generated
 22 from prepayment of contracts under this section be-
 23 yond amounts necessary to cover the amount of re-
 24 ceipts forgone from scheduled payments under cur-
 25 rent law for the 10-year period following the date of

1 enactment of this Act shall be directed to the Rec-
2 lamation Surface Water Storage Account under
3 paragraph (2).

4 (2) SURFACE STORAGE ACCOUNT.—The Sec-
5 retary shall allocate amounts collected under para-
6 graph (1) into the “Reclamation Surface Storage
7 Account” to fund the construction of surface water
8 storage. The Secretary may also enter into coopera-
9 tive agreements with water users’ associations for
10 the construction of surface water storage and
11 amounts within the Surface Storage Account may be
12 used to fund such construction. Surface water stor-
13 age projects that are otherwise not federally author-
14 ized shall not be considered Federal facilities as a
15 result of any amounts allocated from the Surface
16 Storage Account for part or all of such facilities.

17 (3) REPAYMENT.—Amounts used for surface
18 water storage construction from the Account shall be
19 fully reimbursed to the Account consistent with the
20 requirements under Federal reclamation law (the
21 law (the Act of June 17, 1902 (32 Stat. 388, chap-
22 ter 1093))) and Acts supplemental to and amend-
23 atory of that Act (43 U.S.C. 371 et seq.) except that
24 all funds reimbursed shall be deposited in the Ac-
25 count established under paragraph (2).

1 (4) AVAILABILITY OF AMOUNTS.—Amounts de-
 2 posited in the Account under this subsection shall—

3 (A) be made available in accordance with
 4 this section, subject to appropriation; and

5 (B) be in addition to amounts appropriated
 6 for such purposes under any other provision of
 7 law.

8 (5) PURPOSES OF SURFACE WATER STORAGE.—
 9 Construction of surface water storage under this sec-
 10 tion shall be made for the following purposes:

11 (A) Increased municipal and industrial
 12 water supply.

13 (B) Agricultural floodwater, erosion, and
 14 sedimentation reduction.

15 (C) Agricultural drainage improvements.

16 (D) Agricultural irrigation.

17 (E) Increased recreation opportunities.

18 (F) Reduced adverse impacts to fish and
 19 wildlife from water storage or diversion projects
 20 within watersheds associated with water storage
 21 projects funded under this section.

22 (G) Any other purposes consistent with
 23 reclamation laws or other Federal law.

24 (f) DEFINITIONS.—For the purposes of this title, the
 25 following definitions apply:

1 (1) ACCOUNT.—The term “Account” means the
2 Reclamation Surface Water Storage Account estab-
3 lished under subsection (e)(2).

4 (2) CONSTRUCTION.—The term “construction”
5 means the designing, materials engineering and test-
6 ing, surveying, and building of surface water storage
7 including additions to existing surface water storage
8 and construction of new surface water storage facili-
9 ties, exclusive of any Federal statutory or regulatory
10 obligations relating to any permit, review, approval,
11 or other such requirement.

12 (3) SURFACE WATER STORAGE.—The term
13 “surface water storage” means any federally owned
14 facility under the jurisdiction of the Bureau of Rec-
15 lamation or any non-Federal facility used for the
16 surface storage and supply of water resources.

17 (4) TREASURY RATE.—The term “Treasury
18 rate” means the 20-year Constant Maturity Treas-
19 ury (CMT) rate published by the United States De-
20 partment of the Treasury existing on the effective
21 date of the contract.

22 (5) WATER USERS’ ASSOCIATION.—The term
23 “water users’ association” means—

24 (A) an entity organized and recognized
25 under State laws that is eligible to enter into

contracts with reclamation to receive contract water for delivery to and users of the water and to pay applicable charges; and

(B) includes a variety of entities with different names and differing functions, such as associations, conservatory district, irrigation district, municipality, and water project contract unit.

TITLE VIII—SAFETY OF DAMS

SEC. 801. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 3, by striking “Construction” and inserting “Except as provided in section 5B, construction”; and

(2) by inserting after section 5A (43 U.S.C. 509) the following:

“SEC. 5B. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

“Notwithstanding section 3, if the Secretary determines that additional project benefits, including but not limited to additional conservation storage capacity, are feasible and not inconsistent with the purposes of this Act, the Secretary is authorized to develop additional project

1 benefits through the construction of new or supplementary
2 works on a project in conjunction with the Secretary's ac-
3 tivities under section 2 and subject to the conditions de-
4 scribed in the feasibility study, provided—

5 “(1) the Secretary determines that developing
6 additional project benefits through the construction
7 of new or supplementary works on a project will pro-
8 mote more efficient management of water and
9 water-related facilities;

10 “(2) the feasibility study pertaining to addi-
11 tional project benefits has been authorized pursuant
12 to section 8 of the Federal Water Project Recreation
13 Act of 1965 (16 U.S.C. 4601–18); and

14 “(3) the costs associated with developing the
15 additional project benefits are agreed to in writing
16 between the Secretary and project proponents and
17 shall be allocated to the authorized purposes of the
18 structure and repaid consistent with all provisions of
19 Federal Reclamation law (the Act of June 17, 1902,
20 43 U.S.C. 371 et seq.) and Acts supplemental to
21 and amendatory of that Act.”.

1 **TITLE IX—WATER RIGHTS**
2 **PROTECTION**

3 **SEC. 901. SHORT TITLE.**

4 This title may be cited as the “Water Rights Protec-
5 tion Act”.

6 **SEC. 902. DEFINITION OF WATER RIGHT.**

7 In this title, the term “water right” means any sur-
8 face or groundwater right filed, permitted, certified, con-
9 firmed, decreed, adjudicated, or otherwise recognized by
10 a judicial proceeding or by the State in which the user
11 acquires possession of the water or puts the water to bene-
12 ficial use, including water rights for federally recognized
13 Indian tribes.

14 **SEC. 903. TREATMENT OF WATER RIGHTS.**

15 The Secretary of the Interior and the Secretary of
16 Agriculture shall not—

17 (1) condition or withhold, in whole or in part,
18 the issuance, renewal, amendment, or extension of
19 any permit, approval, license, lease, allotment, ease-
20 ment, right-of-way, or other land use or occupancy
21 agreement on—

22 (A) limitation or encumbrance of any
23 water right, or the transfer of any water right
24 (including joint and sole ownership), directly or

1 indirectly to the United States or any other des-
2 ignee; or

3 (B) any other impairment of any water
4 right, in whole or in part, granted or otherwise
5 recognized under State law, by Federal or State
6 adjudication, decree, or other judgment, or pur-
7 suant to any interstate water compact;

8 (2) require any water user (including any feder-
9 ally recognized Indian tribe) to apply for or acquire
10 a water right in the name of the United States
11 under State law as a condition of the issuance, re-
12 newal, amendment, or extension of any permit, ap-
13 proval, license, lease, allotment, easement, right-of-
14 way, or other land use or occupancy agreement;

15 (3) assert jurisdiction over groundwater with-
16 drawals or impacts on groundwater resources, unless
17 jurisdiction is asserted, and any regulatory or policy
18 actions taken pursuant to such assertion are, con-
19 sistent with, and impose no greater restrictions or
20 regulatory requirements than, applicable State laws
21 (including regulations) and policies governing the
22 protection and use of groundwater resources; or

23 (4) infringe on the rights and obligations of a
24 State in evaluating, allocating, and adjudicating the
25 waters of the State originating on or under, or flow-

1 ing from, land owned or managed by the Federal
2 Government.

3 **SEC. 904. RECOGNITION OF STATE AUTHORITY.**

4 (a) IN GENERAL.—In carrying out section 903, the
5 Secretary of the Interior and the Secretary of Agriculture
6 shall—

7 (1) recognize the longstanding authority of the
8 States relating to evaluating, protecting, allocating,
9 regulating, and adjudicating groundwater by any
10 means, including a rulemaking, permitting, directive,
11 water court adjudication, resource management
12 planning, regional authority, or other policy; and

13 (2) coordinate with the States in the adoption
14 and implementation by the Secretary of the Interior
15 or the Secretary of Agriculture of any rulemaking,
16 policy, directive, management plan, or other similar
17 Federal action so as to ensure that such actions are
18 consistent with, and impose no greater restrictions
19 or regulatory requirements than, State groundwater
20 laws and programs.

21 (b) EFFECT ON STATE WATER RIGHTS.—In carrying
22 out this title, the Secretary of the Interior and the Sec-
23 retary of Agriculture shall not take any action that ad-
24 versely affects—

25 (1) any water rights granted by a State;

1 (2) the authority of a State in adjudicating
2 water rights;

3 (3) definitions established by a State with re-
4 spect to the term “beneficial use”, “priority of water
5 rights”, or “terms of use”;

6 (4) terms and conditions of groundwater with-
7 drawal, guidance and reporting procedures, and con-
8 servation and source protection measures established
9 by a State;

10 (5) the use of groundwater in accordance with
11 State law; or

12 (6) any other rights and obligations of a State
13 established under State law.

14 **SEC. 905. EFFECT OF TITLE.**

15 (a) EFFECT ON EXISTING AUTHORITY.—Nothing in
16 this title limits or expands any existing legally recognized
17 authority of the Secretary of the Interior or the Secretary
18 of Agriculture to issue, grant, or condition any permit, ap-
19 proval, license, lease, allotment, easement, right-of-way, or
20 other land use or occupancy agreement on Federal land
21 subject to the jurisdiction of the Secretary of the Interior
22 or the Secretary of Agriculture, respectively.

23 (b) EFFECT ON RECLAMATION CONTRACTS.—Noth-
24 ing in this title interferes with Bureau of Reclamation con-
25 tracts entered into pursuant to the reclamation laws.

1 (c) EFFECT ON ENDANGERED SPECIES ACT.—Noth-
2 ing in this title affects the implementation of the Endan-
3 gered Species Act of 1973 (16 U.S.C. 1531 et seq.).

4 (d) EFFECT ON FEDERAL RESERVED WATER
5 RIGHTS.—Nothing in this title limits or expands any exist-
6 ing or claimed reserved water rights of the Federal Gov-
7 ernment on land administered by the Secretary of the In-
8 terior or the Secretary of Agriculture.

9 (e) EFFECT ON FEDERAL POWER ACT.—Nothing in
10 this title limits or expands authorities under sections 4(e),
11 10(j), or 18 of the Federal Power Act (16 U.S.C. 797(e),
12 803(j), 811).

13 (f) EFFECT ON INDIAN WATER RIGHTS.—Nothing in
14 this title limits or expands any water right or treaty right
15 of any federally recognized Indian tribe.

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