

118TH CONGRESS
2D SESSION

H. R. 10114

To amend the Aquifer Recharge Flexibility Act to clarify a provision relating to conveyances for aquifer recharge purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 2024

Mr. FULCHER (for himself and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Aquifer Recharge Flexibility Act to clarify a provision relating to conveyances for aquifer recharge 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. CONVEYANCE FOR AQUIFER RECHARGE PUR-**
4 **POSES.**

5 (a) IN GENERAL.—Subsection (c)(3) of the Aquifer
6 Recharge Flexibility Act (43 U.S.C. 390g–9) is amend-
7 ed—

8 (1) by striking “The holder” and inserting the
9 following:

10 “(A) IN GENERAL.—The holder”;

1 (2) in subparagraph (A) (as so designated), by
2 striking “may transport water for aquifer recharge
3 purposes without requiring additional authorization
4 from the Secretary where the use does not expand
5 or modify the operation” and inserting “may, acting
6 for the holder or on behalf of a State, political sub-
7 division of a State, Indian Tribe, or public entity
8 and subject to subparagraphs (B) and (C), use the
9 existing right-of-way, easement, permit, or other au-
10 thORIZATION for the purpose of aquifer recharge and
11 the transport and use of water rights for aquifer re-
12 charge without requiring additional authorization
13 from the Secretary, which use shall not be consid-
14 ered an expansion, modification, major Federal ac-
15 tion, or substantial deviation”; and

16 (3) by adding at the end the following:

17 “(B) NOTICE REQUIRED.—

18 “(i) IN GENERAL.—Not less than 30
19 days before using an existing right-of-way,
20 easement, permit, or other authorization
21 for the purpose of aquifer recharge under
22 subparagraph (A), the holder of the right-
23 of-way, easement, permit, or other author-
24 ization shall submit to the Bureau of Land

1 Management notice of the intended use, in
2 accordance with clause (ii).

3 “(ii) REQUIREMENTS.—A notice sub-
4 mitted under clause (i) shall—

5 “(I) identify the State, political
6 subdivision of the State, Indian Tribe,
7 or public entity intending to use the
8 existing right-of-way, easement, per-
9 mit, or other authorization for the
10 purpose of aquifer recharge;

11 “(II) identify the existing right-
12 of-way, easement, permit, or other au-
13 thorization intended to be used;

14 “(III) provide details on the in-
15 tended use and scope of use for the
16 purpose of aquifer recharge of the ex-
17 isting right-of-way, easement, permit,
18 or other authorization; and

19 “(IV) provide the agreement be-
20 tween the State, political subdivision
21 of the State, Indian Tribe, or public
22 entity and the holder of the right-of-
23 way, easement, permit, or other au-
24 thorization to use the existing right-
25 of-way, easement, permit, or other au-

1 thorization for the purpose of aquifer
2 recharge.

3 “(C) EXEMPTION FROM PAYMENT OF AD-
4 DITIONAL RENT.—Any use of an existing right-
5 of-way, easement, permit, or other authoriza-
6 tion for the purpose of aquifer recharge under
7 subparagraph (A) shall be exempt from the
8 payment of additional rent to the Bureau of
9 Land Management.”.

10 (b) EFFECT.—Subsection (c)(4) of the Aquifer Re-
11 charge Flexibility Act (43 U.S.C. 390g–9) is amended—

12 (1) by striking “Act creates” and inserting
13 “section—

14 “(A) creates”;

15 (2) in subparagraph (A) (as so designated), by
16 striking the period at the end and inserting a semi-
17 colon; and

18 (3) by adding at the end of the following:

19 “(B) waives the obligation of the holder of
20 a right-of-way, easement, permit, or other au-
21 thorization described in paragraph (3)(A) to
22 comply with—

23 “(i) the Federal Water Pollution Con-
24 trol Act (33 U.S.C. 1251 et seq.);

1 “(ii) the Endangered Species Act of
2 1973 (16 U.S.C. 1531 et seq.); or

3 “(iii) the Wild and Scenic Rivers Act
4 (16 U.S.C. 1271 et seq.); or

5 “(C) provides authority to construct, mod-
6 ify, or expand any existing infrastructure cov-
7 ered under subsection (c)(3).”.

8 (c) TECHNICAL AMENDMENTS.—The Aquifer Re-
9 charge Flexibility Act (43 U.S.C. 390g–9) is amended in
10 each of subsections (a) and (c)(5) by striking “Act” each
11 place it appears and inserting “section”.

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