

115TH CONGRESS  
1ST SESSION

# H. R. 1269

To direct the Secretary of the Interior to take actions to support non-Federal investments in water infrastructure improvements in the Sacramento Valley, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2017

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

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## A BILL

To direct the Secretary of the Interior to take actions to support non-Federal investments in water infrastructure improvements in the Sacramento Valley, 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 “Sacramento Valley  
5       Water Storage and Restoration Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) The State of California has recently experi-  
2           enced one of the driest periods on record, and in  
3           2017 is experiencing one of the wettest years on  
4           record. New surface water storage infrastructure  
5           with the capacity to store water in wet years for use  
6           in dry periods is urgently needed.

7           (2) The Sites Project (sometimes referred to as  
8           “North of Delta Offstream Storage”) has been iden-  
9           tified by the State of California and the Federal  
10          Government as an important component to inte-  
11          grated water management in the Sacramento Valley  
12          that would advance the co-equal objectives of im-  
13          proving water management and restoring ecological  
14          health for beneficial uses of the Sacramento-San  
15          Joaquin Delta and the Sacramento River watershed.  
16          Further, the Sites Reservoir was found in the  
17          CALFED Record of Decision to be the preferred lo-  
18          cation to provide North of Delta Offstream Storage  
19          and subsequent studies have shown the Sites Res-  
20          ervoir to be technically feasible.

21          (3) Among other things, the Sites Project  
22          would—

23                  (A) increase surface water storage to en-  
24                  hance water management flexibility in the Sac-  
25                  ramento Valley;

1 (B) improve the operation of the State's  
2 water system to provide improvements in eco-  
3 system and water quality conditions in the Bay-  
4 Delta while providing a more reliable water sup-  
5 ply for the State of California;

6 (C) improve conditions for fish, waterfowl,  
7 and wildlife in the Sacramento Valley, including  
8 anadromous fish in the Sacramento River;

9 (D) provide local flood control benefits;

10 (E) integrate with renewable energy  
11 sources consistent with applicable Federal and  
12 State of California goals;

13 (F) create both construction and long-term  
14 jobs to improve both the local and regional  
15 economies in the Sacramento Valley; and

16 (G) provide additional recreational bene-  
17 fits.

18 (4) The Sites Project has been shown to provide  
19 approximately 500,000 acre-feet of additional  
20 annualized yield that, when integrated into the oper-  
21 ations of the State and Federal reservoirs upstream  
22 of the Bay-Delta, can improve the system-wide oper-  
23 ational efficiency for both water supply reliability  
24 and the environment.

1           (5) Healthy wetlands and wildlife refuges are of  
2 vital importance to wildlife in California and require  
3 a reliable supply of water and additional surface  
4 water storage can help meet water supply goals  
5 under the Central Valley Project Improvement Act.

6           (6) It is in the interests of the United States  
7 for the Federal Government to work with the Sites  
8 Project Authority, which has been established under  
9 laws of the State of California as an independent  
10 joint exercise of powers authority to, among other  
11 things, study, promote, develop, design, finance, ac-  
12 quire, construct, manage, and operate Sites Res-  
13 ervoir and related facilities in order to advance the  
14 Sites Project in the most expeditious and cost-effec-  
15 tive manner possible.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18           (1) **AUTHORITY.**—The term “Authority” means  
19 the Sites Project Authority that entered into a Joint  
20 Powers Agreement on August 26, 2010, for the pur-  
21 pose of advancing the Sites Project as a non-Federal  
22 facility. The current list of public agencies serving  
23 on the Authority’s 12-member governing board in-  
24 clude Colusa County Water District, Glenn-Colusa  
25 Irrigation District, Maxwell Irrigation District,

1 Orland-Artois Water District, Placer County Water  
2 District/City of Roseville, Proberta Water District,  
3 Reclamation District 108, the Tehama-Colusa Canal  
4 Authority, Western Canal Water District, Westside  
5 Water District, the County of Glenn, the County of  
6 Colusa. In addition, agencies from the Bay Area,  
7 San Joaquin Valley, and Southern California are ac-  
8 tively participating to advance the Sites Project.

9 (2) BUREAU.—The term “Bureau” means the  
10 Bureau of Reclamation.

11 (3) CENTRAL VALLEY PROJECT.—The term  
12 “Central Valley Project” means all Federal reclama-  
13 tion projects located within or diverting water from  
14 or to the watershed of the Sacramento and San Joa-  
15 quin rivers and their tributaries as authorized by the  
16 Act of August 26, 1937 (50 Stat. 850), and all Acts  
17 amendatory or supplemental thereto, including—

18 (A) the Act of October 17, 1940 (54 Stat.

19 1198, 1199);

20 (B) the Act of December 22, 1944 (58

21 Stat. 887);

22 (C) the Act of October 14, 1949 (63 Stat.

23 852);

24 (D) the Act of September 26, 1950 (64

25 Stat. 1036);

1 (E) the Act of August 27, 1954 (68 Stat.  
2 879);

3 (F) the Act of August 12, 1955 (69 Stat.  
4 719);

5 (G) the Act of June 3, 1960 (74 Stat.  
6 156);

7 (H) the Act of October 23, 1962 (76 Stat.  
8 1173);

9 (I) the Act of September 2, 1965 (79 Stat.  
10 615);

11 (J) the Act of August 19, 1967 (81 Stat.  
12 167);

13 (K) the Act of August 27, 1967 (81 Stat.  
14 173);

15 (L) the Act of October 23, 1970 (84 Stat.  
16 1097);

17 (M) the Act of September 28, 1976 (90  
18 Stat. 1324); and

19 (N) the Act of October 27, 1986 (100  
20 Stat. 3050).

21 (4) COMMISSIONER.—The term “Commis-  
22 sioner” means the Commissioner of the Bureau of  
23 Reclamation.

24 (5) REPAYMENT AND WATER SERVICE CON-  
25 TRACTS.—The terms “repayment contract” and

1 “water service contract” have the same meaning  
2 given those terms in sections 9(d) and 9(e), respec-  
3 tively, of the Reclamation Project Act of 1939 (53  
4 Stat. 1187, 1195).

5 (6) SECRETARY.—The term “Secretary” means  
6 the Secretary of the Interior.

7 (7) SITES PROJECT.—The term “Sites  
8 Project”—

9 (A) refers to the off-stream water storage  
10 project identified in the CALFED Record of  
11 Decision, dated 2000 Aug. 28; and

12 (B) means the Sites Reservoir in Glenn  
13 and Colusa Counties, California, and related fa-  
14 cilities, including associated water conveyance  
15 and hydropower generation and transmission  
16 facilities.

17 (8) STATE.—The term “State” means the State  
18 of California.

19 **SEC. 4. FEASIBILITY STUDY AND ENVIRONMENTAL IMPACT**  
20 **STATEMENTS.**

21 (a) COMPLETION OF FINAL FEASIBILITY STUDY.—  
22 The Secretary, acting through the Commissioner, shall—

23 (1) complete the final feasibility study described  
24 in clause (ii)(I) of section 103(d)(1)(A) of Public  
25 Law 108–361; and

1           (2) submit that study to the appropriate com-  
2           mittees of the House of Representatives and the  
3           Senate together with the joint environmental impact  
4           statement and environmental impact report required  
5           under subsection (d).

6           (b) EVALUATION OF NON-FEDERAL PROJECT.—The  
7           feasibility study shall evaluate the development of the  
8           Sites Project as a non-Federal project whereby the De-  
9           partment of the Interior may be a participant in the locally  
10          preferred project in a manner that is consistent with the  
11          recommendations identified in the final feasibility study.

12          (c) LOCALLY PREFERRED ALTERNATIVE.—If the  
13          Sites Project is developed as a non-Federal project and  
14          the Authority’s locally preferred alternative be determined  
15          in the feasibility study to be the alternative producing the  
16          highest Regional Economic Development Account benefits,  
17          the locally preferred alternative shall be the preferred  
18          project.

19          (d) FINAL ENVIRONMENTAL IMPACT STATEMENT  
20          AND ENVIRONMENTAL IMPACT REPORT.—No later than  
21          16 months after the date that the California Water Com-  
22          mission establishes a Maximum Conditional Eligibility De-  
23          termination for State participation in the Sites Project,  
24          as required before the Sites Project can be deemed to be  
25          consistent with and eligible for support from funds derived



1 from the California Water Quality, Supply, and Infra-  
2 structure Improvement Act, approved by California voters  
3 on November 4, 2014, or November 30, 2019, whichever  
4 occurs later, the Secretary shall work with the Secretary  
5 of Commerce, the Army Corps of Engineers and the Envi-  
6 ronmental Protection Agency Administrator to coordinate  
7 the efforts of the relevant agencies and work with the  
8 State, the Authority, and other stakeholders to complete  
9 and issue the final joint environmental impact statement  
10 and environmental impact report on the Sites Project.

11 (e) REQUIREMENTS OF EXISTING LAW.—Nothing in  
12 the section affects the requirements of Federal law.

13 **SEC. 5. CONSTRUCTION.**

14 (a) AUTHORIZATION OF CONSTRUCTION.—Section  
15 103(d)(1)(B) of the Calfed Bay-Delta Authorization Act  
16 (Public Law 108–361) is amended—

17 (1) by redesignating clauses (ii) and (iii) as  
18 clauses (iii) and (iv), respectively;

19 (2) by inserting after clause (i) the following:

20 “(ii) CONSTRUCTION AUTHORIZA-  
21 TION.—If the Secretary determines that  
22 the project described in subparagraph  
23 (A)(ii)(I) is feasible, the Secretary, in co-  
24 operation with the Authority, may partici-  
25 pate in the design, planning, and construc-

1           tion of the Sites Project in a manner that  
2           is substantially in accordance with the rec-  
3           ommended plan, subject to the conditions  
4           described in the feasibility study.

5           “(iii) FEDERAL INVESTMENT IN A  
6           NON-FEDERAL SITES PROJECT.—The Sec-  
7           retary shall take such steps as are nec-  
8           essary to ensure that, in return for any  
9           Federal investment in a non-Federal Sites  
10          Project, a proportionate share of the  
11          project’s public benefits are Federal bene-  
12          fits, including water supplies dedicated to  
13          specific purposes such as environmental  
14          enhancement and those purposes referred  
15          to in section 6(c) and 6(d) of the Sac-  
16          ramento Valley Water Storage and Res-  
17          toration Act.”; and

18           (3) in clause (iii), by striking “the project” and  
19          inserting “a project described in subparagraph  
20          (A)(ii)(I)”.

21          (b) PROJECT PARTNERSHIP AGREEMENTS.—At the  
22          request of the Authority, the Bureau shall enter into a  
23          project partnership agreement with the Authority for the  
24          Authority to provide full project management control for  
25          construction of the Sites Project, or a separable element

1 of the project, in accordance with plans approved by the  
2 Secretary.

3 (c) DETAILED PROJECT SCHEDULE.—Not later than  
4 180 days after entering into a Project Partnership agree-  
5 ment under subsection (b), the Authority, to the maximum  
6 extent practicable, shall submit to the Secretary a detailed  
7 project schedule based on estimated funding levels that  
8 lists all deadlines for each milestone in the construction  
9 of the project.

10 **SEC. 6. NON-FEDERAL PROJECT.**

11 (a) IN GENERAL.—Notwithstanding any other provi-  
12 sion of this Act, if at any time the Commissioner deter-  
13 mines and the Secretary concurs that the Sites Project  
14 can be expedited by the Authority as a non-Federal  
15 project, and that there is a demonstrable Federal interest  
16 for the Sites Project to be constructed and operated as  
17 a non-Federal project, the Commissioner shall take any  
18 and all actions possible to advance the Sites Project as  
19 a non-Federal project, including entering into cost-shared  
20 financial assistance agreements with the Authority to sup-  
21 port the design, planning, and construction of the Sites  
22 Project as a non-Federal project.

23 (b) TITLE; OPERATIONS AND MAINTENANCE.—The  
24 Authority shall hold title to all new facilities constructed

1 under this section, and shall be solely responsible for the  
2 operation and maintenance costs of such facilities.

3 (c) COORDINATED OPERATIONS.—The Secretary  
4 shall execute and implement a long-term agreement be-  
5 tween the United States and the Authority to provide for  
6 the coordination of operations of the Central Valley  
7 Project and the Sites Project to—

8 (1) satisfy any contracts or cooperative agree-  
9 ments entered into under subsection (d);

10 (2) help meet any unmet needs for Sacramento  
11 Valley in-basin water uses;

12 (3) help meet any unmet needs of existing Cen-  
13 tral Valley Project repayment and water service con-  
14 tracts; and

15 (4) ensure that any surplus water supplies from  
16 the Sites Project are put to full and beneficial use.

17 (d) CONTRACTS AND COOPERATIVE AGREEMENTS.—  
18 The Secretary is authorized to enter into long-term con-  
19 tracts and cooperative agreements with the Authority to  
20 acquire water supplies made available from the Sites  
21 Project for the purposes of meeting the requirements  
22 under section 3406(b)(3) and section 3408(j) of the Cen-  
23 tral Valley Project Improvement Act (Public Law 102–  
24 575) and such other purposes as the Secretary may deem  
25 appropriate.

1 **SEC. 7. ENVIRONMENTAL REVIEW AND PERMITTING.**

2 With respect to the Sites Project, the Bureau shall—

3 (1) be the lead Federal agency for the purposes  
4 of all Federal reviews, analyses, opinions, state-  
5 ments, permits, licenses, or other approvals or deci-  
6 sions required under Federal law to allow either the  
7 Bureau or the Authority to construct the Sites  
8 Project, including all requirements under—

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

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

13 (C) any other Federal law applicable to the  
14 construction of the Sites Project facilities by  
15 the Bureau or the Authority; and

16 (2) take such steps as are necessary to ensure  
17 that all Federal reviews, analyses, opinions, state-  
18 ments, permits, licenses, or other approvals or deci-  
19 sions required under Federal law to allow either the  
20 Bureau or the Authority to construct and operate  
21 the Sites Project are completed on an expeditious  
22 basis and use the shortest applicable process, and, to  
23 the maximum extent practicable, are completed not  
24 later than January 1, 2022, as required by the Cali-  
25 fornia Water Quality, Supply, and Infrastructure  
26 Improvement Act, approved by California voters on

1 November 4, 2014, as a condition of State financial  
2 participation in a project deemed eligible for assist-  
3 ance under the aforementioned Act.

4 **SEC. 8. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

5 Nothing in this Act modifies or alters any obligations  
6 or requirements under any Federal environmental law, in-  
7 cluding—

8 (1) the National Environmental Policy Act of  
9 1969 (42 U.S.C. 4321 et seq.); and

10 (2) the Endangered Species Act of 1973 (16  
11 U.S.C. 1531 et seq.).

12 **SEC. 9. SAVINGS CLAUSE.**

13 Nothing in this Act shall be construed to preempt any  
14 existing State law, including area of origin and other  
15 water rights protections.

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