

Union Calendar No. 751

118TH CONGRESS
2D SESSION

H. R. 215

[Report No. 118–919]

To provide long-term water supply and regulatory reliability to drought-stricken California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. VALADAO (for himself, Mr. MCCARTHY, Mr. CALVERT, Mr. DUARTE, Mr. MIKE GARCIA of California, Mr. ISSA, Mr. KILEY, Mrs. KIM of California, Mr. LAMALFA, Mr. MCCLINTOCK, Mr. OBERNOLTE, and Mrs. STEEL) introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 18, 2024

Additional sponsor: Mr. FONG

DECEMBER 18, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on January 9, 2023]

A BILL

To provide long-term water supply and regulatory reliability
to drought-stricken 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 “Working to Advance*
 5 *Tangible and Effective Reforms for California Act” or the*
 6 *“WATER for California Act”.*

7 **SEC. 2. TABLE OF CONTENTS.**

8 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I—CVP AND SWP OPERATIONS

Sec. 101. Operation of the CVP and SWP.

Sec. 102. Operations and reviews.

Sec. 103. Application of State laws.

Sec. 104. Reconsultation of NOAA biological opinion and FWS biological opin-
ion.

Sec. 105. Sunset.

Sec. 106. Consultation on coordinated operations.

TITLE II—ALLOCATIONS FOR SACRAMENTO VALLEY CONTRACTORS

Sec. 201. Definitions.

Sec. 202. Allocations of water.

Sec. 203. Protection of refuge, municipal and industrial, and other contractors.

Sec. 204. Other contractors.

TITLE III—INFRASTRUCTURE

Sec. 301. Shasta reservoir enlargement project.

Sec. 302. Water supply plan; projects.

Sec. 303. Conservation fish hatcheries.

Sec. 304. Storage; duration.

Sec. 305. Shasta dam enlargement.

TITLE IV—CVPIA ACTIONS

Sec. 401. CVPIA restoration actions.

TITLE V—WATER SUPPLY PERMITTING COORDINATION 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.

1 **SEC. 3. DEFINITIONS.**

2 *In this Act, the following definitions apply:*

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

5 (2) *CVP CONTRACTOR.*—*The term “CVP con-*
6 *tractor” means any public water agency, water user*
7 *organization, or person that has entered into a con-*
8 *tract with the United States for water service from*
9 *the CVP, whether in the form of a water service con-*
10 *tract, repayment contract, water rights settlement*
11 *contract, exchange contract, or refuge contract.*

12 (3) *FWS BIOLOGICAL OPINION.*—*The term “FWS*
13 *Biological Opinion” means the United States Fish*
14 *and Wildlife Service “Biological Opinion for the Re-*
15 *initiation of Consultation on the Coordinated Oper-*
16 *ations of the Central Valley Project and State Water*
17 *Project” (Service File No. 08FBTD00–2019–F–0164)*
18 *signed on October 21, 2019.*

19 (4) *NOAA BIOLOGICAL OPINION.*—*The term*
20 *“NOAA Biological Opinion” means the National Oce-*
21 *anic and Atmospheric Administration Fisheries “Bio-*
22 *logical Opinion on the Long-term Operation of the*
23 *Central Valley Project and the State Water Project”*

1 *(Consultation Tracking Number: WCRO–2016–00069)*
2 *signed on October 21, 2019.*

3 (5) *PREFERRED ALTERNATIVE.*—*The term “Pre-*
4 *ferred Alternative” means the Alternative 1 (Preferred*
5 *Alternative), as described in the Final Environmental*
6 *Impact Statement on the Reinitiation of Consultation*
7 *on the Coordinated Long-Term Operation of the Cen-*
8 *tral Valley Project and the State Water Project,*
9 *issued by the Bureau of Reclamation, and dated De-*
10 *cember 2019.*

11 (6) *SWP.*—*The term “SWP” means the Cali-*
12 *fornia State Water Project.*

13 (7) *SWP CONTRACTOR.*—*The term “SWP con-*
14 *tractor” means a public agency that has entered into*
15 *a long-term water supply contract with the California*
16 *Department of Water Resources for water service from*
17 *the SWP.*

18 ***TITLE I—CVP AND SWP***
19 ***OPERATIONS***

20 ***SEC. 101. OPERATION OF THE CVP AND SWP.***

21 (a) *CONGRESSIONAL DIRECTION REGARDING CVP AND*
22 *SWP OPERATIONS.*—*The CVP and the SWP shall be oper-*
23 *ated, and reporting shall be done, in accordance with the*
24 *Preferred Alternative and FWS Biological Opinion and*
25 *NOAA Biological Opinion.*

1 (b) *EXCEPTIONS.*—*Operation of the CVP and SWP*
2 *shall proceed pursuant to subsection (a) of this section, ex-*
3 *cept:*

4 (1) *to the extent changes to operations are under-*
5 *taken pursuant to one or more agreements, which are*
6 *voluntarily entered into, approved, and implemented*
7 *by CVP contractors, for operations of the CVP, and*
8 *SWP contractors, for operations of the SWP, with all*
9 *applicable Federal departments and the State of Cali-*
10 *fornia, including any agency or board of the State of*
11 *California; or*

12 (2) *to the extent changes in operations of the*
13 *CVP, SWP, or both can be made while improving the*
14 *supply of water available to CVP contractors, SWP*
15 *contractors, or both.*

16 (c) *COSTS.*—*No cost, including water supply, finan-*
17 *cial, mitigation-related, or otherwise, associated with the*
18 *implementation of any agreement under subsection (b)(1)*
19 *or the implementation of any reoperation under subsection*
20 *(b)(2) shall be imposed by any Federal department or agen-*
21 *cy or the State of California, including any agency or board*
22 *of the State of California, directly or indirectly on any CVP*
23 *contractor, SWP contractor, or any other person or entity,*
24 *unless such costs are incurred on a voluntary basis.*

1 (d) *NO REDIRECTED ADVERSE IMPACTS.*—*The Sec-*
2 *retary of the Interior and Secretary of Commerce shall not*
3 *carry out any specific action authorized under the applica-*
4 *ble provisions of this title that would directly or through*
5 *State agency action indirectly result in the involuntary re-*
6 *duction of water supply to an individual, district, or agen-*
7 *cy that has in effect a contract for water with the SWP*
8 *or the CVP, including settlement, exchange, and refuge con-*
9 *tracts, and Friant Division contracts.*

10 (e) *ENDANGERED SPECIES ACT.*—*Notwithstanding*
11 *subsection (b), implementation of subsection (a) shall not*
12 *conflict with the FWS Biological Opinion and the NOAA*
13 *Biological Opinion.*

14 (f) *NATIVE SPECIES PROTECTION.*—*The State of Cali-*
15 *ornia shall not impose any bag, catch, or size restriction*
16 *or limit on the take or harvest of striped bass or any species*
17 *of black bass, including largemouth bass, smallmouth bass,*
18 *and spotted bass, that occupy the Sacramento-San Joaquin*
19 *Rivers Delta or its tributaries.*

20 **SEC. 102. OPERATIONS AND REVIEWS.**

21 *In carrying out section 101(a), the Secretary of the*
22 *Interior and the Secretary of Commerce shall implement*
23 *their statutory authorities in a manner that improves water*
24 *supply reliability and enables the CVP and SWP to provide*
25 *the maximum quantity of water supplies practicable to*

1 *CVP agricultural, municipal, and industrial contractors,*
2 *water service or repayment contractors, water rights settle-*
3 *ment contractors, exchange contractors, refuge contractors,*
4 *and SWP contractors, in accordance with the Preferred Al-*
5 *ternative, NOAA Biological Opinion, and FWS Biological*
6 *Opinion.*

7 **SEC. 103. APPLICATION OF STATE LAWS.**

8 (a) *REDUCED WATER SUPPLY.*—*If, as a result of the*
9 *application of applicable State law or regulation, the State*
10 *of California (including any agency or board of the State*
11 *of California) alters operation of the SWP in a manner*
12 *that directly or indirectly results in reduced water supply*
13 *to the SWP as compared with the water supply available*
14 *under the Preferred Alternative, and as a result, CVP yield*
15 *is greater than it otherwise would have been under the Pre-*
16 *ferred Alternative, then that additional yield shall be made*
17 *available to the SWP for delivery to SWP Contractors to*
18 *offset that reduced water supply. If it is necessary to reduce*
19 *water supplies for any authorized uses of the CVP or CVP*
20 *Contractors to make available to the SWP that additional*
21 *yield, such reductions shall be applied proportionately to*
22 *those authorized uses or CVP contractors that benefit from*
23 *that increased yield.*

24 (b) *NO RESTRICTION OF CERTAIN WATER RIGHTS.*—
25 *The State of California (including any agency or board of*

1 *the State of California) shall not restrict the exercise of any*
2 *water right obtained pursuant to State law, including but*
3 *not limited to a pre-1914 appropriative right or riparian*
4 *right in order to offset any impact resulting from the imple-*
5 *mentation of this title on any species affected by operations*
6 *of the CVP or the SWP.*

7 *(c) NO INVOLUNTARY WATER REDUCTION.—The State*
8 *of California (including any agency or board of the State*
9 *of California), the Secretary of the Interior and Secretary*
10 *of Commerce shall not take any action related to operation*
11 *of the CVP or SWP that would directly or indirectly result*
12 *in the involuntary reduction of water supply to any CVP*
13 *agricultural, municipal and industrial contractor, water*
14 *service or repayment contractor, water rights settlement*
15 *contractor, exchange contractor, refuge contractor or any*
16 *SWP contractor, as compared to the water supply available*
17 *under the Preferred Alternative; and nothing in this section*
18 *is intended to modify, amend, or affect any of the rights*
19 *and obligations of the parties to such contracts.*

20 **SEC. 104. RECONSULTATION OF NOAA BIOLOGICAL OPIN-**
21 **ION AND FWS BIOLOGICAL OPINION.**

22 *(a) REQUIREMENT FOR RECONSULTATION.—*

23 *(1) REQUIREMENT.—Unless action is taken pur-*
24 *suant to section 101(b), neither the Secretary of the*
25 *Interior, acting through the Commissioner of the Bu-*

1 *reau of Reclamation, nor the Secretary of Commerce,*
2 *or their designees shall commence, complete, or request*
3 *reinitiation of consultation on the coordinated long-*
4 *term operation of the Central Valley Project and the*
5 *State Water Project that will result in changes to or*
6 *the replacement of the documents listed in paragraph*
7 *(2) unless—*

8 *(A) more than 75 percent of California has*
9 *experienced 4 consecutive years of D3 or D4 level*
10 *drought, as defined by the U.S. Drought Monitor;*

11 *(B) the Commissioner of the Bureau of Rec-*
12 *lamation identifies one specific factor or com-*
13 *bination of factors under section 402.16 of title*
14 *50, Code of Federal Regulations; and*

15 *(C) not fewer than 120 days before officially*
16 *commencing or requesting reinitiation, the Sec-*
17 *retary of the Interior notifies the Committee on*
18 *Natural Resources of the House of Representa-*
19 *tives and Committee on Energy and Natural Re-*
20 *sources of the Senate, in writing, of—*

21 *(i) the intent to commence or request*
22 *reinitiation under this section; and*

23 *(ii) the detailed justification for the*
24 *identification of the specific factor or com-*
25 *bination of factors under section 402.16 of*

1 *title 50, Code of Federal Regulations, that*
2 *was identified to satisfy the requirement in*
3 *subparagraph (B).*

4 (2) *DOCUMENTS.*—*The documents referred to in*
5 *paragraph (1) are the following:*

6 (A) *The FWS Biological Opinion.*

7 (B) *The NOAA Biological Opinion.*

8 (C) *The Record of Decision for the Reiniti-*
9 *ation of Consultation on the Coordinated Long-*
10 *Term Modified Operations of the Central Valley*
11 *Project and State Water Project, signed on Feb-*
12 *ruary 18, 2020.*

13 (b) *APPLICABLE PROCEDURES AND REVIEW.*—*For the*
14 *purposes of this Act, before reinitiating consultation on the*
15 *Long-Term Operation of the CVP and SWP, a request by*
16 *the Secretary of the Interior, the Secretary of the Commerce,*
17 *or any other Federal employee, to reinitiate consultation*
18 *shall be made in writing and considered a rule under sec-*
19 *tion 551 of title 5, United States Code, and subject to the*
20 *requirements of sections 801 through 808 of that title.*

21 (c) *COOPERATION.*—*In implementing this section, the*
22 *Secretary of the Interior and the Secretary of Commerce*
23 *shall comply with requirements included in section 4004*
24 *of the Water Infrastructure Improvements for the Nation*
25 *Act (Public Law 114–322).*

1 (d) *EXCLUSION.*—Notwithstanding subsection (b), in
2 *implementing this section, section 801(b)(2) of title 5,*
3 *United States Code, shall not apply.*

4 **SEC. 105. SUNSET.**

5 *Sections 101 through 104 shall have no force or effect*
6 *on and after the date that is 7 years after the date of the*
7 *enactment of this Act.*

8 **SEC. 106. CONSULTATION ON COORDINATED OPERATIONS.**

9 *The Water Infrastructure Improvements for the Nation*
10 *Act (Public Law 114–322) is amended—*

11 (1) *in section 4004(a)—*

12 (A) *in the matter preceding paragraph (1),*
13 *strike “public water agency that contracts” and*
14 *insert “contractor”;*

15 (B) *in paragraph (1), by inserting “or pro-*
16 *posed action” before the semicolon;*

17 (C) *in paragraph (2), by inserting “or pro-*
18 *posed action” before the semicolon;*

19 (D) *by redesignating paragraphs (3)*
20 *through (6) as paragraphs (4) through (7), re-*
21 *spectively;*

22 (E) *after paragraph (2), by inserting the*
23 *following new paragraph:*

24 “(3) *receive a copy of the draft proposed action*
25 *and have the opportunity to review that document*

1 *and provide comment to the action agency, which*
 2 *comments shall be afforded due consideration during*
 3 *development;”;* and

4 *(F) in paragraph (7), as redesignated by*
 5 *subparagraph (C) of this paragraph—*

6 *(i) in the matter preceding subpara-*
 7 *graph (A), by inserting “action agency pro-*
 8 *poses a proposed action or” before “the con-*
 9 *sulting agency”;*

10 *(ii) in subparagraph (A), by inserting*
 11 *“proposed action or” before “alternative*
 12 *will”;* and

13 *(iii) in subparagraph (B), by striking*
 14 *“alternative actions” and insert “actions or*
 15 *alternatives”;* and

16 *(2) in section 4013, by deleting “section 4004,*
 17 *which shall expire 10 years after the date of its enact-*
 18 *ment;” and inserting “section 4004, which shall ex-*
 19 *pire on December 16, 2033;”.*

20 **TITLE II—ALLOCATIONS FOR**
 21 **SACRAMENTO VALLEY CON-**
 22 **TRACTORS**

23 **SEC. 201. DEFINITIONS.**

24 *In this title, the following definitions apply:*

1 (1) *The term “existing CVP agricultural water*
2 *service or repayment contractor within the Sac-*
3 *ramento River Watershed” means any water service*
4 *or repayment contractor within the Shasta, Trinity,*
5 *or Sacramento River division of the CVP that has in*
6 *effect a water service or repayment contract on the*
7 *date of enactment of this title that provides water for*
8 *irrigation.*

9 (2) *The terms “Above Normal”, “Below Normal”,*
10 *“Dry”, and “Wet”, with respect to a year, have the*
11 *meanings given those terms in the Sacramento Valley*
12 *Water Year Type (40–30–30) Index.*

13 **SEC. 202. ALLOCATIONS OF WATER.**

14 *Subject to section 203, the Secretary of the Interior*
15 *shall make every reasonable effort in the operation of the*
16 *CVP to allocate water provided for irrigation purposes to*
17 *each existing CVP agricultural water service contractor*
18 *within the Sacramento River Watershed in accordance with*
19 *the following:*

20 (1) *Not less than 100 percent of the contract*
21 *quantity of the existing CVP agricultural water serv-*
22 *ice contractor within the Sacramento River Water-*
23 *shed in a Wet year.*

24 (2) *Not less than 100 percent of the contract*
25 *quantity of the existing CVP agricultural water serv-*

1 *ice contractor within the Sacramento River Water-*
2 *shed in an Above Normal year.*

3 (3) *Not less than 100 percent of the contract*
4 *quantity of the existing CVP agricultural water serv-*
5 *ice contractor within the Sacramento River Water-*
6 *shed in a Below Normal year that is preceded by an*
7 *Above Normal or Wet year.*

8 (4) *Not less than 50 percent of the contract*
9 *quantity of the existing CVP agricultural water serv-*
10 *ice contractor within the Sacramento River Water-*
11 *shed in a Dry year that is preceded by a Below Nor-*
12 *mal, Above Normal, or Wet year.*

13 (5) *In any other year not identified in any sub-*
14 *sections (a) through (d), not less than twice the allo-*
15 *cation percentage to south-of-Delta CVP agricultural*
16 *water service contractors, up to 100 percent.*

17 **SEC. 203. PROTECTION OF REFUGE, MUNICIPAL AND INDUS-**
18 **TRIAL, AND OTHER CONTRACTORS.**

19 *Nothing in section 202 shall—*

20 (1) *adversely affect any protections for the envi-*
21 *ronment, including the obligation of the Secretary of*
22 *the Interior to make water available to managed wet-*
23 *lands pursuant to section 3406(d) of the Central Val-*
24 *ley Project Improvement Act (title XXXIV of Public*
25 *Law 102–575; 106 Stat. 4722);*

1 (2) *adversely affect any obligation of the Sec-*
2 *retary of the Interior or the Secretary of Commerce*
3 *under the FWS Biological Opinion or the NOAA Bio-*
4 *logical Opinion;*

5 (3) *modify any provision of a water service con-*
6 *tract that addresses municipal or industrial water*
7 *shortage policies of the Secretary of the Interior;*

8 (4) *affect or limit the authority of the Secretary*
9 *of the Interior to adopt or modify municipal and in-*
10 *dustrial water shortage policies;*

11 (5) *constrain, govern, or affect, directly or indi-*
12 *rectly, the operations of the American River division*
13 *of the CVP or any deliveries from that division or a*
14 *unit or facility of that division; or*

15 (6) *affect any allocation to a CVP municipal or*
16 *industrial water service contractor by increasing or*
17 *decreasing allocations to the contractor, as compared*
18 *to the allocation the contractor would have received*
19 *absent section 202.*

20 **SEC. 204. OTHER CONTRACTORS.**

21 *Nothing in section 202 shall—*

22 (1) *affect the priority of any individual or entity*
23 *with a Sacramento River settlement contract over*
24 *water service or repayment contractors;*

1 (2) *affect the United States ability to deliver*
 2 *water to the San Joaquin River exchange contractors*
 3 *from the Sacramento River and the Delta via the*
 4 *Delta-Mendota Canal or modify or amend the rights*
 5 *and obligations under the Purchase Contract between*
 6 *Miller and Lux and the United States and the Second*
 7 *Amended Exchange Contract between the United*
 8 *States, Department of the Interior, Bureau of Rec-*
 9 *lamation and Central California Irrigation District,*
 10 *San Luis Canal Company, Firebaugh Canal Water*
 11 *District and Columbia Canal Company;*

12 (3) *affect the allocation of water to Friant divi-*
 13 *sion contractors of the CVP;*

14 (4) *result in the involuntary reduction in con-*
 15 *tract water allocations to individuals or entities with*
 16 *contracts to receive water from the Friant division;*

17 (5) *result in the involuntary reduction in water*
 18 *allocations to refuge contractors; or*

19 (6) *authorize any actions inconsistent with State*
 20 *water rights law.*

21 **TITLE III—INFRASTRUCTURE**

22 **SEC. 301. SHASTA RESERVOIR ENLARGEMENT PROJECT.**

23 *Section 40902(a)(2) of the Infrastructure Investment*
 24 *and Jobs Act (Public Law 117–58) is amended—*

25 (1) *in subparagraph (B)—*

1 (A) in the matter preceding clause (i), by
2 striking “this Act, except for any project for
3 which—” and inserting “this Act; or”; and

4 (B) by striking clauses (i) and (ii); and

5 (2) in subparagraph (C), by striking “(except
6 that projects described in clauses (i) and (ii) of sub-
7 paragraph (B) shall not be eligible)”.

8 **SEC. 302. WATER SUPPLY PLAN; PROJECTS.**

9 (a) *PLAN*.—Not later than 180 days after the date of
10 the enactment of this Act, the Commissioner of the Bureau
11 of Reclamation shall develop a water deficit report, which
12 shall identify—

13 (1) projected water supply shortages in the State
14 of California for irrigation water service, municipal
15 and industrial water service, water supply for wild-
16 life refuges supplied by the CVP or the SWP; and

17 (2) infrastructure projects or actions which, if
18 taken, would—

19 (A) significantly reduce or eliminate the
20 projected water supply shortage; or

21 (B) fulfill water allocations consistent with
22 agricultural, municipal and industrial contrac-
23 tors, water service or repayment contractors,
24 water rights settlement contractors, exchange

1 *contractors, and SWP contractors with water de-*
 2 *livery contractors on the CVP and SWP.*

3 *(b) REPORT TO CONGRESS.—The Commissioner of the*
 4 *Bureau of Reclamation shall provide a report described in*
 5 *subsection (a) to the House Committee on Natural Re-*
 6 *sources and the Senate Committee on Energy and Natural*
 7 *Resources upon its completion.*

8 **SEC. 303. CONSERVATION FISH HATCHERIES.**

9 *Section 4010(b)(5) of the Water Infrastructure Im-*
 10 *provements for the Nation Act (Public Law 114–322) is*
 11 *amended by adding at the end the following:*

12 *“(D) SEMI-ANNUAL REPORT.—The Sec-*
 13 *retary of the Interior and the Secretary of Com-*
 14 *merce shall submit to the Committee on Natural*
 15 *Resources of the House of Representatives and*
 16 *Committee on Energy and Natural Resources of*
 17 *the Senate semi-annual reports that detail ac-*
 18 *tivities carried out under this paragraph.”.*

19 **SEC. 304. STORAGE; DURATION.**

20 *(a) STORAGE.—Section 4007 of the Water Infrastruc-*
 21 *ture Improvements for the Nation Act (Public Law 114–*
 22 *322) is amended—*

23 *(1) in subsection (b)(1), by striking “or any pub-*
 24 *lic agency organized pursuant to State law” and in-*

1 serting “any public agency organized pursuant to
2 State law, or any stakeholder”; and

3 (2) in subsection (i), by striking “January 1,
4 2021” and inserting “January 1, 2028”.

5 (b) *DURATION*.—Section 4013 of the Water Infrastruc-
6 ture Improvements for the Nation Act (Public Law 114–
7 322) is amended—

8 (1) in paragraph (1), by striking “and”;

9 (2) by redesignating paragraph (2) as para-
10 graph (3); and

11 (3) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) section 4007, which (except as provided in
14 paragraph (3)), shall expire on December 31, 2028;
15 and”.

16 **SEC. 305. SHASTA DAM ENLARGEMENT.**

17 (a) *FUNDING*.—In accordance with section 4007 of the
18 Water Infrastructure Improvements for the Nation Act
19 (Public Law 114–322), and as recommended by the Sec-
20 retary in letters dated February 13, 2019; June 22, 2020;
21 and December 3, 2020; funds made available in the Water
22 and Related Resources account for the Bureau of Reclama-
23 tion in Acts of appropriation for fiscal years 2017, 2018,
24 2019, 2020, and 2021 shall be made available to the Shasta
25 Dam and Reservoir Enlargement Project.

1 (b) *CLARIFICATION.*—No provision of State law shall
2 preclude or otherwise prevent any public water agency, in-
3 cluding a public agency of the State, that contracts for the
4 delivery of CVP water from assisting or cooperating with,
5 whether by loan, grant, license, or otherwise, the planning
6 and construction of any project undertaken by the Bureau
7 of Reclamation to enlarge Shasta Dam.

8 **TITLE IV—CVPIA ACTIONS**

9 **SEC. 401. CVPIA RESTORATION ACTIONS.**

10 (a) *REFUGE WATER SUPPLY PROGRAM.*—Not later
11 than 2 years after the date of enactment of this Act, the
12 Secretary of the Interior shall complete the refuge water
13 supply program under section 3406(d) of the Central Valley
14 Project Improvement Act (title XXXIV of Public Law 102–
15 575; 106 Stat. 4722) and shall, within that 2-year period,
16 give priority to completing the refuge water supply pro-
17 gram when making funding decisions from the Central Val-
18 ley Project Restoration Fund established under section 3407
19 of the Central Valley Project Improvement Act (106 Stat.
20 4726), the Infrastructure Investment and Jobs Act (Public
21 Law 117–25), the Land and Water Conservation Fund Act
22 (Public Law 88–578), and other sources of funding.

23 (b) *RESTORATION ACTIONS DEEMED COMPLETE.*—
24 Upon completion of the refuge water supply program pur-
25 suant to subsection (a), or September 30, 2025, whichever

1 *occurs first, the Secretary of the Interior shall deem com-*
2 *plete the fish, wildlife, and habitat mitigation and restora-*
3 *tion actions mandated under section 3406 of the Central*
4 *Valley Project Improvement Act (title XXXIV of Public Law*
5 *102–575; 106 Stat. 4714).*

6 **TITLE V—WATER SUPPLY PER-**
7 **MITTING COORDINATION ACT**

8 **SEC. 501. SHORT TITLE.**

9 *This title may be cited as the “Water Supply Permit-*
10 *ting Coordination Act”.*

11 **SEC. 502. DEFINITIONS.**

12 *In this title:*

13 (1) *BUREAU.*—*The term “Bureau” means the*
14 *Bureau of Reclamation.*

15 (2) *COOPERATING AGENCIES.*—*The term “cooper-*
16 *ating agency” means a Federal agency with jurisdic-*
17 *tion over a review, analysis, opinion, statement, per-*
18 *mit, license, or other approval or decision required for*
19 *a qualifying project under applicable Federal laws*
20 *and regulations, or a State agency subject to section*
21 *503(c).*

22 (3) *QUALIFYING PROJECTS.*—*The term “quali-*
23 *fying projects” means new surface water storage*
24 *projects in the States covered under the Act of June*
25 *17, 1902 (32 Stat. 388, chapter 1093), and Acts sup-*

1 *plemental to and amendatory of that Act (43 U.S.C.*
2 *371 et seq.) constructed on lands administered by the*
3 *Department of the Interior or the Department of Ag-*
4 *riculture, exclusive of any easement, right-of-way,*
5 *lease, or any private holding, if the project applicant*
6 *or sponsor elects to participate in the process author-*
7 *ized by this title. Such term shall also include State-*
8 *led projects (as defined in section 4007(a)(2) of the*
9 *WIIN Act) for new surface water storage projects in*
10 *the States covered under the Act of June 17, 1902 (32*
11 *Stat. 388, chapter 1093), and Acts supplemental to*
12 *and amendatory of that Act (43 U.S.C. 371 et seq.)*
13 *constructed on lands administered by the Department*
14 *of the Interior or the Department of Agriculture, ex-*
15 *clusive of any easement, right-of-way, lease, or any*
16 *private holding, unless the project applicant elects not*
17 *to participate in the process authorized by this title.*

18 (4) *SECRETARY.*—*The term “Secretary” means*
19 *the Secretary of the Interior.*

20 **SEC. 503. ESTABLISHMENT OF LEAD AGENCY AND COOPER-**
21 **ATING AGENCIES.**

22 (a) *ESTABLISHMENT OF LEAD AGENCY.*—*The Bureau*
23 *is established as the lead agency for purposes of coordi-*
24 *nating all reviews, analyses, opinions, statements, permits,*

1 *licenses, or other approvals or decisions required under Fed-*
2 *eral law to construct qualifying projects.*

3 (b) *IDENTIFICATION AND ESTABLISHMENT OF CO-*
4 *OPERATING AGENCIES.—The Commissioner of the Bureau*
5 *shall—*

6 (1) *identify, as early as practicable upon receipt*
7 *of an application for a qualifying project, any Fed-*
8 *eral agency that may have jurisdiction over a review,*
9 *analysis, opinion, statement, permit, license, ap-*
10 *proval, or decision required for a qualifying project*
11 *under applicable Federal laws and regulations; and*

12 (2) *notify any such agency, within a reasonable*
13 *timeframe, that the agency has been designated as a*
14 *cooperating agency in regards to the qualifying*
15 *project unless that agency responds to the Bureau in*
16 *writing, within a timeframe set forth by the Bureau,*
17 *notifying the Bureau that the agency—*

18 (A) *has no jurisdiction or authority with*
19 *respect to the qualifying project;*

20 (B) *has no expertise or information relevant*
21 *to the qualifying project or any review, analysis,*
22 *opinion, statement, permit, license, or other ap-*
23 *proval or decision associated therewith; or*

24 (C) *does not intend to submit comments on*
25 *the qualifying project or conduct any review of*

1 *such a project or make any decision with respect*
2 *to such project in a manner other than in co-*
3 *operation with the Bureau.*

4 *(c) STATE AUTHORITY.—A State in which a quali-*
5 *ifying project is being considered may choose, consistent*
6 *with State law—*

7 *(1) to participate as a cooperating agency; and*
8 *(2) to make subject to the processes of this title*
9 *all State agencies that—*

10 *(A) have jurisdiction over the qualifying*
11 *project;*

12 *(B) are required to conduct or issue a re-*
13 *view, analysis, or opinion for the qualifying*
14 *project; or*

15 *(C) are required to make a determination*
16 *on issuing a permit, license, or approval for the*
17 *qualifying project.*

18 **SEC. 504. BUREAU RESPONSIBILITIES.**

19 *(a) IN GENERAL.—The principal responsibilities of the*
20 *Bureau under this title are—*

21 *(1) to serve as the point of contact for appli-*
22 *cants, State agencies, Indian Tribes, and others re-*
23 *garding proposed qualifying projects;*

24 *(2) to coordinate preparation of unified environ-*
25 *mental documentation that will serve as the basis for*

1 *all Federal decisions necessary to authorize the use of*
2 *Federal lands for qualifying projects; and*

3 *(3) to coordinate all Federal agency reviews nec-*
4 *essary for project development and construction of*
5 *qualifying projects.*

6 *(b) COORDINATION PROCESS.—The Bureau shall have*
7 *the following coordination responsibilities:*

8 *(1) PREAPPLICATION COORDINATION.—Notify co-*
9 *operating agencies of proposed qualifying projects not*
10 *later than 30 days after receipt of a proposal and fa-*
11 *cilitate a preapplication meeting for prospective ap-*
12 *plicants, relevant Federal and State agencies, and In-*
13 *dian Tribes—*

14 *(A) to explain applicable processes, data re-*
15 *quirements, and applicant submissions necessary*
16 *to complete the required Federal agency reviews*
17 *within the timeframe established; and*

18 *(B) to establish the schedule for the quali-*
19 *fying project.*

20 *(2) CONSULTATION WITH COOPERATING AGEN-*
21 *CIES.—Consult with the cooperating agencies through-*
22 *out the Federal agency review process, identify and*
23 *obtain relevant data in a timely manner, and set nec-*
24 *essary deadlines for cooperating agencies.*

1 (3) *SCHEDULE.*—*Work with the qualifying*
2 *project applicant and cooperating agencies to estab-*
3 *lish a project schedule. In establishing the schedule,*
4 *the Bureau shall consider, among other factors—*

5 (A) *the responsibilities of cooperating agen-*
6 *cies under applicable laws and regulations;*

7 (B) *the resources available to the cooper-*
8 *ating agencies and the non-Federal qualifying*
9 *project sponsor, as applicable;*

10 (C) *the overall size and complexity of the*
11 *qualifying project;*

12 (D) *the overall schedule for and cost of the*
13 *qualifying project; and*

14 (E) *the sensitivity of the natural and his-*
15 *toric resources that may be affected by the quali-*
16 *fying project.*

17 (4) *ENVIRONMENTAL COMPLIANCE.*—*Prepare a*
18 *unified environmental review document for each*
19 *qualifying project application, incorporating a single*
20 *environmental record on which all cooperating agen-*
21 *cies with authority to issue approvals for a given*
22 *qualifying project shall base project approval deci-*
23 *sions. Help ensure that cooperating agencies make*
24 *necessary decisions, within their respective authori-*

1 *ties, regarding Federal approvals in accordance with*
2 *the following timelines:*

3 *(A) Not later than 1 year after acceptance*
4 *of a completed project application when an envi-*
5 *ronmental assessment and finding of no signifi-*
6 *cant impact is determined to be the appropriate*
7 *level of review under the National Environ-*
8 *mental Policy Act of 1969 (42 U.S.C. 4321 et*
9 *seq.).*

10 *(B) Not later than 1 year and 30 days after*
11 *the close of the public comment period for a draft*
12 *environmental impact statement under the Na-*
13 *tional Environmental Policy Act of 1969 (42*
14 *U.S.C. 4321 et seq.), when an environmental im-*
15 *pact statement is required under the same.*

16 *(5) CONSOLIDATED ADMINISTRATIVE RECORD.—*
17 *Maintain a consolidated administrative record of the*
18 *information assembled and used by the cooperating*
19 *agencies as the basis for agency decisions.*

20 *(6) PROJECT DATA RECORDS.—To the extent*
21 *practicable and consistent with Federal law, ensure*
22 *that all project data is submitted and maintained in*
23 *generally accessible electronic format, compile, and*
24 *where authorized under existing law, make available*

1 *such project data to cooperating agencies, the quali-*
2 *fying project applicant, and to the public.*

3 (7) *PROJECT MANAGER.*—*Appoint a project*
4 *manager for each qualifying project. The project man-*
5 *ager shall have authority to oversee the project and to*
6 *facilitate the issuance of the relevant final authorizing*
7 *documents, and shall be responsible for ensuring ful-*
8 *fillment of all Bureau responsibilities set forth in this*
9 *section and all cooperating agency responsibilities*
10 *under section 505.*

11 **SEC. 505. COOPERATING AGENCY RESPONSIBILITIES.**

12 (a) *ADHERENCE TO BUREAU SCHEDULE.*—

13 (1) *TIMEFRAMES.*—*On notification of an appli-*
14 *cation for a qualifying project, the head of each co-*
15 *operating agency shall submit to the Bureau a time-*
16 *frame under which the cooperating agency reasonably*
17 *will be able to complete the authorizing responsibil-*
18 *ities of the cooperating agency.*

19 (2) *SCHEDULE.*—

20 (A) *USE OF TIMEFRAMES.*—*The Bureau*
21 *shall use the timeframes submitted under this*
22 *subsection to establish the project schedule under*
23 *section 504.*

1 (B) *ADHERENCE.*—*Each cooperating agen-*
2 *cy shall adhere to the project schedule established*
3 *by the Bureau under subparagraph (A).*

4 (b) *ENVIRONMENTAL RECORD.*—*The head of each co-*
5 *operating agency shall submit to the Bureau all environ-*
6 *mental review material produced or compiled in the course*
7 *of carrying out activities required under Federal law, con-*
8 *sistent with the project schedule established by the Bureau*
9 *under subsection (a)(2).*

10 (c) *DATA SUBMISSION.*—*To the extent practicable and*
11 *consistent with Federal law, the head of each cooperating*
12 *agency shall submit all relevant project data to the Bureau*
13 *in a generally accessible electronic format, subject to the*
14 *project schedule established by the Bureau under subsection*
15 *(a)(2).*

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

17 (a) *IN GENERAL.*—*The Secretary, after public notice*
18 *in accordance with subchapter II of chapter 5, and chapter*
19 *7, of title 5, United States Code (commonly known as the*
20 *“Administrative Procedure Act”), may accept and expend*
21 *funds contributed by a non-Federal public entity to expedite*
22 *the evaluation of a permit of that entity related to a quali-*
23 *fying project.*

24 (b) *EFFECT ON PERMITTING.*—

1 (1) *EVALUATION OF PERMITS.*—*In carrying out*
2 *this section, the Secretary shall ensure that the eval-*
3 *uation of permits carried out using funds accepted*
4 *under this section shall—*

5 (A) *be reviewed by the Regional Director of*
6 *the Bureau of the region in which the qualifying*
7 *project or activity is located (or a designee); and*

8 (B) *use the same procedures for decisions*
9 *that would otherwise be required for the evalua-*
10 *tion of permits for similar projects or activities*
11 *not carried out using funds authorized under*
12 *this section.*

13 (2) *IMPARTIAL DECISION MAKING.*—*In carrying*
14 *out this section, the Secretary and the head of each*
15 *cooperating agency receiving funds under this section*
16 *for a qualifying project shall ensure that the use of*
17 *the funds accepted under this section for the quali-*
18 *fying project shall not—*

19 (A) *substantively or procedurally impact*
20 *impartial decision making with respect to the*
21 *issuance of permits; or*

22 (B) *diminish, modify, or otherwise affect*
23 *the statutory or regulatory authorities of the co-*
24 *operating agency.*

1 (c) *LIMITATION ON USE OF FUNDS.*—None of the funds
2 accepted under this section shall be used to carry out a re-
3 view of the evaluation of permits required under subsection
4 (b)(1)(A).

5 (d) *PUBLIC AVAILABILITY.*—The Secretary shall en-
6 sure that all final permit decisions carried out using funds
7 authorized under this section are made available to the pub-
8 lic, including on the internet.

Union Calendar No. 751

118TH CONGRESS
2^D SESSION

H. R. 215

[Report No. 118-919]

A BILL

To provide long-term water supply and regulatory reliability to drought-stricken California, and for other purposes.

DECEMBER 18, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed