

113TH CONGRESS  
2D SESSION

# H. R. 4239

To provide drought assistance to the State of California and other affected western States.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2014

Mr. HUFFMAN (for himself, Mr. GEORGE MILLER of California, Mr. GARAMENDI, Mr. DEFazio, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mr. MCNERNEY, Ms. MATSUI, Ms. ESHOO, Mr. FARR, Ms. SPEIER, Mr. BERA of California, Mr. VARGAS, Mr. LOWENTHAL, Mr. PETERS of California, Mr. SWALWELL of California, and Mr. CARTWRIGHT) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, the Budget, Agriculture, Energy and Commerce, and the Judiciary, 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

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## A BILL

To provide drought assistance to the State of California and other affected western States.

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. FINDINGS.**

4 Congress finds the following:

5 (1) As established in the Proclamation of a  
6 State of Emergency issued by the Governor of the

1 State of California on January 17, 2014, California  
2 is experiencing record dry conditions. Extremely dry  
3 conditions have persisted since 2012, 2014 is pro-  
4 jected to become the driest year on record, and such  
5 dry conditions are likely to persist beyond this year  
6 and more regularly into the future.

7 (2) The water supplies of the State of Cali-  
8 fornia are at record-low levels, as indicated by a  
9 statewide average snowpack of 12 percent of the  
10 normal average for winter as of February 1, 2014.

11 (3) The 2014 drought constitutes a serious  
12 emergency posing immediate and severe risks to  
13 human life and safety and to the environment  
14 throughout northern, central, and southern Cali-  
15 fornia.

16 (4) Federal law and implementing regulations  
17 directly authorize expedited decisionmaking proce-  
18 dures and environmental and public review proce-  
19 dures to enable timely and appropriate implementa-  
20 tion of actions to respond to this type and severity  
21 of emergency.

22 (5) The emergency requires an immediate and  
23 credible response that respects State, local, and trib-  
24 al law. That the policies that respond to the drought

1 should not pit region against region, or stakeholders  
2 against one another.

3 (6) It is the policy of the United States to re-  
4 spect California’s coequal goals, established by the  
5 Delta Reform Act of 2009, of providing a more reli-  
6 able water supply for California and protecting, re-  
7 storing, and enhancing the Delta ecosystem. These  
8 coequal goals shall be achieved in a manner that  
9 protects and enhances the unique cultural, rec-  
10 reational, natural resource, and agricultural values  
11 of the Delta as an evolving place.

12 **SEC. 2. DEFINITIONS.**

13 In this Act:

14 (1) **CENTRAL VALLEY PROJECT.**—The term  
15 “Central Valley Project” has the meaning given the  
16 term in section 3403 of the Central Valley Project  
17 Improvement Act (106 Stat. 4707).

18 (2) **KLAMATH PROJECT.**—The term “Klamath  
19 Project” means the Bureau of Reclamation project  
20 in the States of California and Oregon—

21 (A) as authorized under the Act of June  
22 17, 1902 (32 Stat. 388, chapter 1093); and

23 (B) as described in—

1 (i) title II of the Oregon Resource  
2 Conservation Act of 1996 (Public Law  
3 104–208; 110 Stat. 3009–532); and

4 (ii) the Klamath Basin Water Supply  
5 Enhancement Act of 2000 (Public Law  
6 106–498; 114 Stat. 2221).

7 (3) RECLAMATION PROJECT.—The term “Rec-  
8 lamation Project” means a project constructed pur-  
9 suant to the authorities of the reclamation laws and  
10 whose facilities are wholly or partially located in the  
11 State.

12 (4) SECRETARIES.—The term “Secretaries”  
13 means—

14 (A) the Administrator of the Environ-  
15 mental Protection Agency;

16 (B) the Secretary of Commerce; and

17 (C) the Secretary of the Interior.

18 (5) STATE.—The term “State” means the State  
19 of California, and any other State where the Gov-  
20 ernor declares a State of drought emergency in cal-  
21 endar year 2014.

22 (6) STATE WATER PROJECT.—The term “State  
23 Water Project” means the water project described  
24 by California Water Code section 11550 et seq., and

1       operated by the California Department of Water Re-  
2       sources.

3       **SEC. 3. EMERGENCY PROJECTS.**

4       (a) IN GENERAL.—In response to the declaration of  
5 a state of drought emergency by the Governor of the  
6 State, the Secretaries shall provide the maximum quantity  
7 of water supplies possible to Central Valley Project and  
8 Klamath Project agricultural, municipal and industrial,  
9 and refuge service and repayment contractors, State  
10 Water Project contractors, and any other locality or mu-  
11 nicipality in the State consistent with existing law, includ-  
12 ing among other things applicable laws and regulations,  
13 water quality standards, biological opinions, and court or-  
14 ders.

15       (b) MANDATE.—In carrying out subsection (a), the  
16 applicable agency heads described in that subsection shall,  
17 consistent with existing law, including among other things  
18 applicable laws and regulations, water quality standards,  
19 biological opinions, and court orders—

20               (1) authorize and implement actions to provide  
21       for real time operations of the Delta Cross Channel  
22       Gates, with operations determined by the California  
23       State Water Resources Control Board, National Ma-  
24       rine Fisheries Service, and California Department of  
25       Fish and Wildlife to provide water supply, water

1 quality, and ecosystem benefits for the duration of  
2 the State's drought emergency declaration;

3 (2) collect data associated with the operation of  
4 the Delta Cross Channel Gates described in para-  
5 graph (1) and its impact on species listed as threat-  
6 ened or endangered under the Endangered Species  
7 Act of 1973 (16 U.S.C. 1531 et seq.), water quality,  
8 and water supply;

9 (3) implement turbidity monitoring and control  
10 strategies that may allow for increased water deliv-  
11 eries while avoiding potential jeopardy to adult delta  
12 smelt (*Hypomesus transpacificus*) due to entrain-  
13 ment at Central Valley Project and State Water  
14 Project pumping plants;

15 (4) implement the San Joaquin River inflow to  
16 export ratio called for in the biological opinion  
17 issued by the National Marine Fisheries Service on  
18 June 4, 2009, including the drought provisions of  
19 that biological opinion. If inflows from the San Joa-  
20 quin River as measured at Vernalis fall below the  
21 level that would permit exports to meet public health  
22 and safety needs, exports may exceed the ratio, con-  
23 sistent with the biological opinion;

24 (5) allow North of Delta water service contrac-  
25 tors with unused 2013 Central Valley Project con-

1       tract supplies to take delivery of those unused sup-  
2       plies through April 15, 2014, if—

3               (A) the contractor requests the extension;  
4       and

5               (B) the requesting contractor certifies  
6       that, without the extension, the contractor  
7       would have insufficient supplies to adequately  
8       meet water delivery obligations;

9               (6) maintain all rescheduled water supplies held  
10       in the San Luis Reservoir and Millerton Reservoir  
11       for all water users for delivery in the immediately  
12       following contract water year unless precluded by  
13       reservoir storage capacity limitations;

14              (7) to the maximum extent possible based on  
15       the availability of water and without causing land  
16       subsidence—

17              (A) meet the contract water supply needs  
18       of Central Valley Project refuges through the  
19       improvement or installation of wells to use  
20       ground water resources of suitable water qual-  
21       ity, which activities may be accomplished by  
22       using funding made available under section 4 of  
23       this Act or the Water Assistance Program of  
24       the WaterSMART program of the Department  
25       of the Interior;

1           (B) make a quantity of Central Valley  
2 Project surface water obtained from the meas-  
3 ures implemented under subparagraph (A)  
4 available to Central Valley Project contractors;  
5 and

6           (C) to assist in meeting incremental Level  
7 4 needs of CVP refuges, purchase water from  
8 willing sellers using funding made available  
9 under section 4 of this Act or the Water Assist-  
10 ance Program or the WaterSMART program of  
11 the Department of the Interior;

12           (8) make WaterSMART grant funding adminis-  
13 tered by the Bureau of Reclamation available for eli-  
14 gible projects within the State on a priority and ex-  
15 pedited basis—

16           (A) to provide emergency drinking and  
17 municipal water supplies to localities in a quan-  
18 tity necessary to meet public health and safety  
19 needs;

20           (B) to reduce water demand on irrigated  
21 lands;

22           (C) to minimize economic losses resulting  
23 from drought conditions; and

24           (D) to provide innovative water conserva-  
25 tion tools and technology for agriculture and

1           urban water use that can have immediate water  
2           supply benefits;

3           (9) require the Commissioner of Reclamation,  
4           in conjunction with the chief of the Natural Re-  
5           sources Conservation Service, to identify projects in  
6           the State that do not need Federal or State permit-  
7           ting which can maximize water use efficiencies,  
8           prioritized by the cost effectiveness of the efficiencies  
9           gained, to inform the funding provided under sub-  
10          section (3)(b)(10);

11          (10) for reserve works only, authorize any an-  
12          nual operation and maintenance deficits owed to the  
13          Federal Government and incurred due to delivery of  
14          contract water supplies to a Central Valley Project  
15          or Klamath Project agricultural or municipal water  
16          service contractor during each fiscal year the State  
17          emergency drought declaration is in force, to be re-  
18          paid to the Federal Government over a period of not  
19          less than 3 years at the project interest rate, not-  
20          withstanding section 106 of Public Law 99–546  
21          (100 Stat. 3052);

22          (11) issue proposed rules to update stormwater  
23          regulations for urban (municipal) and suburban run-  
24          off sources, including strong green infrastructure-

1 based requirements for retention of stormwater run-  
2 off;

3 (12) approve petitions requesting the EPA to  
4 use its residual designation authority to require com-  
5 mercial, industrial, and institutional land uses to  
6 control runoff that contributes pollution to rivers,  
7 lakes, and beaches;

8 (13) issue guidance on use of rainwater cap-  
9 ture, including technical guidance on treatment  
10 needs and options for different end uses, to better  
11 promote use of rainwater capture and on-site reuse;  
12 and

13 (14) implement authorized proposals to upgrade  
14 or replace hydropower turbines that improve cold  
15 water fish habitat at Central Valley Project facili-  
16 ties.

17 (c) OTHER AGENCIES.—To the extent that they have  
18 any role in approving projects to increase water supply  
19 projects under subsections (a) and (b), the provisions of  
20 this section shall apply to all other Federal agencies.

21 (d) ACCELERATED PROJECT DECISION AND ELE-  
22 VATION.—

23 (1) IN GENERAL.—Upon the request of the  
24 State, the heads of Federal agencies shall use the  
25 expedited procedures under this subsection to make

1 final decisions relating to a Federal project to pro-  
2 vide additional water supplies pursuant to sub-  
3 sections (a) and (b), consistent with existing law, in-  
4 cluding among other things applicable laws and reg-  
5 ulations, water quality standards, biological opinions,  
6 court orders, and section 7 of this Act.

7 (2) REQUEST FOR RESOLUTION.—Upon the re-  
8 quest of the State, the head of an agency referred  
9 to in subsection (a) or the head of another Federal  
10 agency responsible for carrying out a review of a  
11 project, as applicable, the Secretary of the Interior  
12 shall convene a final project decision meeting with  
13 the heads of all relevant Federal agencies to decide  
14 whether to approve a project to provide emergency  
15 water supplies.

16 (3) DECISION.—

17 (A) The Secretary of the Interior shall  
18 hold a meeting requested under this subsection  
19 within 7 days of receiving the meeting request;  
20 and

21 (B) the head of the relevant Federal agen-  
22 cy shall issue a final decision on the project  
23 within 10 days of the meeting request.

24 (4) NOTIFICATION.—Upon receipt of a request  
25 for a meeting under this subsection, the Secretary of

1 the Interior shall notify the heads of all relevant  
2 Federal agencies of the request, including the  
3 project to be reviewed and the date for the meeting.

4 (5) CONVENTION BY SECRETARY.—The Sec-  
5 retary may convene a final project decision meeting  
6 under this subsection at any time, at the discretion  
7 of the Secretary, regardless of whether a meeting is  
8 requested under paragraph (2).

9 (e) TERMINATION OF AUTHORITY.—The authority  
10 under this section expires on the date on which the Gov-  
11 ernor of the State suspends the state of drought emer-  
12 gency declaration or the end of 2016, whichever is earlier.

13 **SEC. 4. EMERGENCY APPROPRIATIONS.**

14 (a) APPROPRIATION.—There is hereby appropriated  
15 for fiscal year 2014, out of any money in the Treasury  
16 not otherwise appropriated, a total amount of  
17 \$255,000,000, to remain available until the end of the pe-  
18 riod during which the State’s emergency drought designa-  
19 tion is in effect, to be allocated among the following pur-  
20 poses:

21 (1) For “Department of the Interior—Bureau  
22 of Reclamation—Water and Related Resources” for  
23 eligible projects within the State, on a priority and  
24 expedited basis, that—

1 (A) create drought-tolerant water supplies  
2 by implementing water reclamation and reuse  
3 projects authorized under title XVI of Public  
4 Law 102–575; and

5 (B) optimize and conserve water supplies  
6 through the WaterSMART program, includ-  
7 ing—

8 (i) by replacing water consuming  
9 products or functions with waterless de-  
10 vices or technologies that perform the same  
11 function; and

12 (ii) by installing districtwide or on-  
13 farm water efficiency and conservation  
14 technologies, including behavioral water ef-  
15 ficiency, system modernizations including  
16 leak repair and SCADA systems, and other  
17 technologies that have been proven to pro-  
18 vide improvements in water use efficiency  
19 through the verification of a third party;  
20 and

21 (iii) water efficiency projects for man-  
22 aged wetlands to improve water conveyance  
23 infrastructure, level ponds to reduce the  
24 amount of water required to flood them, or  
25 install water recirculation systems.

1           (2) For assistance under the Reclamation  
2 States Emergency Drought Relief Act of 1991 (43  
3 U.S.C. 2201 et seq.) and any other applicable Fed-  
4 eral law (including regulations) for the optimization  
5 and conservation of water supplies to assist drought-  
6 plagued areas of the West. Such assistance may in-  
7 clude—

8           (A) the installation of ground water wells  
9 as requested by the managers of wildlife ref-  
10 uges;

11           (B) the purchase or assistance in the pur-  
12 chase of water from willing sellers;

13           (C) conservation projects providing water  
14 supply benefits in the short term and reducing  
15 demand in the long term;

16           (D) exchanges with any water districts  
17 willing to provide water to meet other districts'  
18 emergency water needs in return for the future  
19 delivery of equivalent amounts of water in the  
20 same year or in future years;

21           (E) maintenance of cover crops to prevent  
22 public health impacts from severe dust storms;

23           (F) emergency pumping projects for crit-  
24 ical health and safety purposes;

1 (G) the use of new or innovative water on-  
2 farm conservation technologies or methods that  
3 may assist in sustaining permanent crops in  
4 areas with severe water shortages;

5 (H) technical assistance to improve exist-  
6 ing irrigation practices to provide water supply  
7 benefits; and

8 (I) activities to mitigate the impacts of the  
9 drought and this Act on threatened and endan-  
10 gered fish and wildlife.

11 (3) For “Department of Agriculture—Rural  
12 Utilities Service—Rural Water and Waste Disposal  
13 Program Account”, not less than \$5,000,000 for the  
14 cost of direct and guaranteed loans and grants for  
15 the rural water, wastewater, and waste disposal pro-  
16 grams authorized by sections 306 and 310B or de-  
17 scribed in section 381E(d)(2) of the Consolidated  
18 Farm and Rural Development Act within the State.

19 (4) For “Environmental Protection Agency—  
20 State and Tribal Assistance Grants”—

21 (A) not less than \$30,000,000 for capital-  
22 ization grants for the Clean Water State Re-  
23 volving Funds under title VI of the Federal  
24 Water Pollution Control Act (33 U.S.C. 1381 et  
25 seq.) within the State; and

1 (B) not less than \$15,000,000 for capital-  
2 ization grants for the Drinking Water State Re-  
3 volving Funds under section 1452 of the Safe  
4 Drinking Water Act (42 U.S.C. 300j–12) with-  
5 in the State.

6 (5) For “Department of Justice—Drug En-  
7 forcement Administration”, not less than  
8 \$3,000,000 for the Domestic Cannabis Eradication  
9 and Suppression Program to assist State or local  
10 law enforcement agencies in the suppression of can-  
11 nabis operations that are conducted on public lands  
12 or that intentionally trespass on the property of an-  
13 other that also divert, redirect, obstruct, drain, or  
14 impound water supply.

15 (6) For “Land and Water Conservation Fund”,  
16 not less than \$50,000,000 shall be provided to the  
17 Department of the Interior and U.S. Forest Service  
18 for the implementation of projects under the Land  
19 and Water Conservation Fund Act of 1965 in  
20 drought-affected States that reduce fire risk, im-  
21 prove water quality or downstream water quantity,  
22 or expand ground water recharge capacity.

23 (b) EMERGENCY DESIGNATION.—The amount under  
24 this section is designated by Congress as being for emer-  
25 gency requirements pursuant to section 251(b)(2)(A)(i) of

1 the Balanced Budget and Emergency Deficit Control Act  
2 of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

3 **SEC. 5. DROUGHT PLANNING ASSISTANCE.**

4 (a) IN GENERAL.—The Secretary of Agriculture, act-  
5 ing through the Natural Resources Conservation Service,  
6 shall provide water supply planning assistance in prepara-  
7 tion for and in response to dry, critically dry, and below  
8 normal water year types to any water agency in the State  
9 who has requested it.

10 (b) TYPES OF ASSISTANCE.—Assistance under sub-  
11 section (a) shall include—

12 (1) hydrological forecasting;

13 (2) assessment of water supply sources under  
14 different water year classification types;

15 (3) identification of alternative water supply  
16 sources;

17 (4) guidance on potential water transfer part-  
18 ners;

19 (5) technical assistance regarding Federal and  
20 State permits and contracts under the Act of Feb-  
21 ruary 21, 1911 (36 Stat. 925, chapter 141) (com-  
22 monly known as the “Warren Act”);

23 (6) installation of districtwide or on-farm water  
24 efficiency and conservation technologies, including  
25 behavioral water efficiency, system modernizations

1 including leak repair and SCADA systems, and  
2 other technologies that have been proven to provide  
3 improvements in water use efficiency through the  
4 verification of a third party;

5 (7) technical assistance regarding emergency  
6 provision of water supplies for critical health and  
7 safety purposes; and

8 (8) activities carried out in conjunction with the  
9 National Oceanic and Atmospheric Administration,  
10 the National Integrated Drought Information Sys-  
11 tem, and the State partners of the National Inte-  
12 grated Drought Information System under the Na-  
13 tional Integrated Drought Information System Act  
14 of 2006 (15 U.S.C. 313d)—

15 (A) to collect and integrate key indicators  
16 of drought severity and impacts; and

17 (B) to produce and communicate timely  
18 monitoring and forecast information to local  
19 and regional communities, including the San  
20 Joaquin Valley, the Delta, the Central Coast,  
21 the Klamath River Basin, and the Trinity River  
22 Basin.

23 **SEC. 6. FISHERIES DISASTER DECLARATION.**

24 (a) IN GENERAL.—The Secretary of Commerce shall  
25 treat the Proclamation of a State Emergency and associ-

1 ated Executive order issued by the Governor of California  
2 on January 17, 2014, as a request for the Secretary to  
3 determine under sections 312(a) and 315 of the Magnu-  
4 son-Stevens Fishery Conservation and Management Act  
5 (16 U.S.C. 1861a(a) and 1864) that there is a commercial  
6 fisheries failure and catastrophic regional fishery disaster,  
7 respectively, for fisheries that originate in the State of  
8 California.

9 (b) SENSE OF CONGRESS.—It is the sense of the  
10 Congress that if the drought conditions continue as pro-  
11 jected and negatively impact the fisheries originating in  
12 the State of California, and the communities and indus-  
13 tries that depend on them, then the Secretary—

14 (1) should look favorably upon such request;

15 and

16 (2) should immediately propose regulations to  
17 provide disaster assistance, funds, and other assist-  
18 ance under, and otherwise implement, such sections  
19 with respect to such request, to ensure timely relief  
20 for impacted parties.

21 **SEC. 7. EMERGENCY ENVIRONMENTAL REVIEWS.**

22 To minimize the time spent carrying out environ-  
23 mental reviews and to deliver water quickly that is needed  
24 to address emergency drought conditions in the State, if  
25 necessary, the head of each applicable Federal agency

1 shall, in carrying out this Act, consult with the Council  
2 on Environmental Quality in accordance with section  
3 1506.11 of title 40, Code of Federal Regulations (includ-  
4 ing successor regulations) to develop alternative arrange-  
5 ments to comply with the National Environmental Policy  
6 Act of 1969 (42 U.S.C. 4321 et seq.) during the emer-  
7 gency.

8 **SEC. 8. STATE REVOLVING FUNDS.**

9       The Administrator of the Environmental Protection  
10 Agency, in allocating amounts for each of the fiscal years  
11 during which the State's emergency drought declaration  
12 is in force to State water pollution control revolving funds  
13 established under title VI of the Federal Water Pollution  
14 Control Act (33 U.S.C. 1381 et seq.) and the State drink-  
15 ing water treatment revolving loan funds established  
16 under section 1452 of the Safe Drinking Water Act (42  
17 U.S.C. 300j-12), shall, for those projects that are eligible  
18 to receive assistance under section 603 of the Federal  
19 Water Pollution Control Act (33 U.S.C. 1383) or section  
20 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C.  
21 300j-12(a)(2)), respectively, that the State determines  
22 will provide additional water supplies most expeditiously  
23 to areas that are at risk of having an inadequate supply  
24 of water for public health and safety purposes or to im-  
25 prove resiliency to drought—

1 (1) require the State to review and prioritize  
2 funding for such projects;

3 (2) issue a determination of waivers within 30  
4 days of the conclusion of the informal public com-  
5 ment period pursuant to section 436(c) of title IV of  
6 division G of Public Law 113–76; and

7 (3) authorize, at the request of the State, 40-  
8 year financing for assistance under section  
9 603(d)(2) of the Federal Water Pollution Control  
10 Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of  
11 the Safe Drinking Water Act (42 U.S.C. 300j–  
12 12(f)(2)).

13 **SEC. 9. FORECASTED.**

14 (a) **SHORT TITLE.**—This section may be cited as the  
15 “Fixing Operations of Reservoirs to Encompass Climatic  
16 and Atmospheric Science Trends for Emergency Droughts  
17 Act” or the “FORECASTED Act”.

18 (b) **REVIEW OF RESERVOIR OPERATIONS.**—

19 (1) **IN GENERAL.**—Except as specified in sub-  
20 section (c), not later than 1 year after a request of  
21 a non-Federal sponsor of a reservoir, the Secretary  
22 of the Army, in consultation with the Administrator  
23 of the National Oceanic and Atmospheric Adminis-  
24 tration (NOAA), shall review its operation, including  
25 the water control manual and rule curves, using im-

1 proved weather forecasts and run-off forecasting  
2 methods, including the Advanced Hydrologic Pre-  
3 diction System of the National Weather Service and  
4 the Hydrometeorology Testbed program of NOAA.

5 (2) DESCRIPTION OF BENEFITS.—In con-  
6 ducting the review under subsection (a), the Sec-  
7 retary shall determine if a change in operations, in-  
8 cluding the use of improved weather forecasts and  
9 run-off forecasting methods, will improve one or  
10 more of the core functions of the Army Corps of En-  
11 gineers, including—

12 (A) reducing risks to human life, public  
13 safety, and property;

14 (B) reducing the need for future disaster  
15 relief;

16 (C) improving local water storage capa-  
17 bility and reliability in coordination with the  
18 non-Federal sponsor and other water users;

19 (D) restoring, protecting, or mitigating the  
20 impacts of a water resources development  
21 project on the environment; or

22 (E) improving fish species habitat or popu-  
23 lation within the boundaries and downstream of  
24 a water resources project.

1           (3) RESULTS REPORTED.—Not later than 90  
2 days after completion of the review under this sec-  
3 tion, the Secretary shall submit a report to Congress  
4 regarding the results of such review.

5           (4) MANUAL UPDATE.—As expeditiously as  
6 practicable and not later than 3 years after submis-  
7 sion of the report under subsection (c), and pursu-  
8 ant to the procedures required under existing au-  
9 thorities, if the Secretary determines from the re-  
10 sults of the review that using improved weather and  
11 run-off forecasting methods improves one or more  
12 core functions of the Army Corps of Engineers at a  
13 reservoir, the Secretary shall incorporate such  
14 changes in its operation and update the water con-  
15 trol manual.

16 (c) EMERGENCY PROJECTS.—

17           (1) IN GENERAL.—Upon the declaration by the  
18 Governor of a State declaring a drought emergency,  
19 the Secretary of the Army in implementing this Act  
20 shall use no more than 90 days in complying with  
21 all provisions of this Act, including subsection (b)(1)  
22 and subsection (b)(4), and shall make use of the  
23 emergency provisions of the Council on Environ-  
24 mental Quality guidelines under part 1506.11 of  
25 title 40 of the Code of Federal Regulations in com-

1 plying with the National Environmental Policy Act  
2 to minimize time spent in environmental reviews to  
3 the greatest extent possible in order to deliver water  
4 quickly that is necessary to address emergency  
5 drought conditions.

6 (2) TERMINATION OF AUTHORITY.—Authority  
7 under this subsection shall terminate on the date on  
8 which the Governor of the State referred to in sub-  
9 section (a) suspends the drought emergency declara-  
10 tion.

11 **SEC. 10. COMPLIANCE WITH STATE LAW REGARDING**  
12 **GROUND WATER MONITORING AND AGRICUL-**  
13 **TURAL WATER MANAGEMENT PLANNING.**

14 (a) GROUND WATER MONITORING.—None of the  
15 funds made available in this Act to any water program  
16 within the State of California may be made available to  
17 an entity if such entity is not in compliance with the provi-  
18 sions of the State of California’s Statewide Groundwater  
19 Elevation Monitoring program authorized by SBX7–6, en-  
20 acted in November 2009.

21 (b) AGRICULTURAL WATER MANAGEMENT PLAN-  
22 NING.—None of the funds made available in this Act to  
23 any water program within the State of California may be  
24 made available to any Central Valley Project irrigation  
25 contractor if such entity does not meet agricultural water

1 management planning requirements established by SBX7–  
2 7, enacted in November 2009.

3 **SEC. 11. EMERGENCY SUPPLEMENTAL AGRICULTURE DIS-**  
4 **ASTER APPROPRIATIONS.**

5 (a) FUNDING.—

6 (1) IN GENERAL.—Notwithstanding any other  
7 provision of law, as soon as practicable after the  
8 date of enactment of this Act, out of any funds in  
9 the Treasury not otherwise appropriated, the Sec-  
10 retary of the Treasury shall transfer to the Sec-  
11 retary of Agriculture (referred to in this section as  
12 the “Secretary”) for the emergency conservation  
13 program established under title IV of the Agricul-  
14 tural Credit Act of 1978 (16 U.S.C. 2201 et seq.)  
15 and the emergency watershed protection program es-  
16 tablished under section 403 of the Agricultural  
17 Credit Act of 1978 (16 U.S.C. 2203) \$100,000,000,  
18 to remain available until the end of the period dur-  
19 ing which the State’s emergency drought designation  
20 is in effect, to be divided among each applicable pro-  
21 gram as the Secretary determines to be appro-  
22 priate—

23 (A) to provide to agricultural producers  
24 and other eligible entities affected by the 2014  
25 drought assistance upon declaration of a nat-

1           ural disaster under section 321(a) of the Con-  
2           solidated Farm and Rural Development Act (7  
3           U.S.C. 1961(a)) or for the same purposes for  
4           counties that are contiguous to a designated  
5           natural disaster area; and

6                   (B) to carry out any other activities the  
7           Secretary determines necessary as a result of  
8           the 2014 drought, such as activities relating to  
9           wildfire damage.

10           (2) RECEIPT AND ACCEPTANCE.—The Sec-  
11          retary shall be entitled to receive, shall accept, and  
12          shall use to carry out this subsection the funds  
13          transferred under paragraph (1), without further ap-  
14          propriation.

15          (b) EMERGENCY ASSISTANCE PROGRAM FOR LIVE-  
16          STOCK, HONEYBEES, AND FARM-RAISED FISH.—Notwith-  
17          standing any other applicable limitations under law, the  
18          Secretary shall use such sums as are necessary of the  
19          funds of the Commodity Credit Corporation to carry out  
20          the emergency assistance program for livestock, honey-  
21          bees, and farm-raised fish under section 531(e) of the  
22          Federal Crop Insurance Act (7 U.S.C. 1531(e)) for each  
23          fiscal year during the period in which the State's emer-  
24          gency drought designation is in effect, to provide assist-  
25          ance to agricultural producers for losses due to drought.

1 (c) FEMA PREDISASTER HAZARD MITIGATION  
2 GRANTS.—

3 (1) IN GENERAL.—Notwithstanding any other  
4 provision of law, as soon as practicable after the  
5 date of enactment of this Act, out of any funds in  
6 the Treasury not otherwise appropriated, the Sec-  
7 retary of the Treasury shall transfer to the Adminis-  
8 trator of the Federal Emergency Management Agen-  
9 cy \$25,000,000 for fiscal year 2014, to remain avail-  
10 able until the end of the period during which the  
11 State’s emergency drought designation is in effect,  
12 for mitigation activities related to drought and wild-  
13 fire hazards.

14 (2) RECEIPT AND ACCEPTANCE.—The Adminis-  
15 trator of the Federal Emergency Management Agen-  
16 cy shall be entitled to receive, shall accept, and shall  
17 use to carry out this subsection the funds trans-  
18 ferred under paragraph (1), without further appro-  
19 priation.

20 (d) EMERGENCY COMMUNITY WATER ASSISTANCE  
21 GRANTS.—

22 (1) IN GENERAL.—Notwithstanding any other  
23 provision of law—

24 (A) as soon as practicable after the date of  
25 enactment of this Act, out of any funds in the

1 Treasury not otherwise appropriated, the Sec-  
2 retary of the Treasury shall transfer to the Sec-  
3 retary \$25,000,000 for fiscal year 2014, to re-  
4 main available until the end of the period dur-  
5 ing which the State's emergency drought des-  
6 ignation is in effect, to provide emergency com-  
7 munity water assistance grants under section  
8 306A of the Consolidated Farm and Rural De-  
9 velopment Act (7 U.S.C. 1926a) to address im-  
10 pacts of drought;

11 (B) the maximum amount of a grant pro-  
12 vided under subparagraph (A) for fiscal year  
13 2014 shall be \$1,000,000; and

14 (C) for fiscal year 2014, a community  
15 whose population is less than 50,000 shall be  
16 eligible for a grant under this paragraph.

17 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
18 retary shall be entitled to receive, shall accept, and  
19 shall use to carry out this subsection the funds  
20 transferred under paragraph (1), without further ap-  
21 propriation.

22 (e) OFFICE OF THE INSPECTOR GENERAL.—

23 (1) IN GENERAL.—Notwithstanding any other  
24 provision of law, as soon as practicable after the  
25 date of enactment of this Act, out of any funds in

1 the Treasury not otherwise appropriated, the Sec-  
2 retary of the Treasury shall transfer to the Inspector  
3 General of the Department of Agriculture  
4 \$2,000,000 for fiscal year 2014, to remain available  
5 until the end of the period during which the State's  
6 emergency drought designation is in effect, for over-  
7 sight of activities carried out by the Department re-  
8 lating to drought.

9 (2) RECEIPT AND ACCEPTANCE.—The Inspector  
10 General of the Department of Agriculture shall be  
11 entitled to receive, shall accept, and shall use to  
12 carry out this subsection the funds transferred  
13 under paragraph (1), without further appropriation.

14 (f) EMERGENCY GRANTS TO ASSIST LOW-INCOME  
15 MIGRANT AND SEASONAL FARMWORKERS.—

16 (1) IN GENERAL.—Notwithstanding any other  
17 provision of law, as soon as practicable after the  
18 date of enactment of this Act, out of any funds in  
19 the Treasury not otherwise appropriated, the Sec-  
20 retary of the Treasury shall transfer to the Sec-  
21 retary \$25,000,000 for fiscal year 2014, to remain  
22 available until the end of the period during which  
23 the State's emergency drought designation is in ef-  
24 fect, to provide emergency grants to assist low-in-  
25 come migrant and seasonal farmworkers under sec-

1 tion 2281 of the Food, Agriculture, Conservation,  
2 and Trade Act of 1990 (42 U.S.C. 5177a) to ad-  
3 dress impacts of drought upon declaration of a nat-  
4 ural disaster under section 321(a) of the Consoli-  
5 dated Farm and Rural Development Act (7 U.S.C.  
6 1961(a)) or for the same purposes in counties that  
7 are contiguous to a designated natural disaster area.

8 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
9 retary shall be entitled to receive, shall accept, and  
10 shall use to carry out this subsection the funds  
11 transferred under paragraph (1), without further ap-  
12 propriation.

13 (g) EMERGENCY FOREST RESTORATION PRO-  
14 GRAM.—

15 (1) IN GENERAL.—Notwithstanding any other  
16 provision of law, as soon as practicable after the  
17 date of enactment of this Act, out of any funds in  
18 the Treasury not otherwise appropriated, the Sec-  
19 retary of the Treasury shall transfer to the Sec-  
20 retary \$25,000,000 for fiscal year 2014, to remain  
21 available until the end of the period during which  
22 the State’s emergency drought designation is in ef-  
23 fect, for the Emergency Forest Restoration Program  
24 under section 407 of the Agricultural Credit Act of  
25 1978 (16 U.S.C. 2206) to address impacts of

1 drought or wildfire upon declaration of a natural  
2 disaster under section 321(a) of the Consolidated  
3 Farm and Rural Development Act (7 U.S.C.  
4 1961(a)) or for the same purposes in counties that  
5 are contiguous to a designated natural disaster area.

6 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
7 retary shall be entitled to receive, shall accept, and  
8 shall use to carry out this subsection the funds  
9 transferred under paragraph (1), without further ap-  
10 propriation.

11 **SEC. 12. ILLEGAL WATER DIVERSION FOR MARIJUANA CUL-**  
12 **TIVATION.**

13 (a) DETERMINATION.—Not later than 90 days after  
14 the date of enactment of this Act, the Director of the Of-  
15 fice of National Drug Control Policy, in collaboration with  
16 the Secretary of the Interior and the Administrator of the  
17 Environmental Protection Agency, shall determine the  
18 amount of water diverted for marijuana cultivation in each  
19 of the high intensity drug trafficking areas (as designated  
20 under section 707 of the Office of National Drug Control  
21 Policy Reauthorization Act of 1998 (21 U.S.C. 1706))  
22 within the State of California.

23 (b) ENVIRONMENTAL PROTECTION AGENCY RE-  
24 QUIREMENT.—Using existing funds, the Administrator of  
25 the Environmental Protection Agency shall assign 1 addi-

1 tional member of the Criminal Investigation Division of  
2 the Environmental Protection Agency to each of the 3  
3 high intensity drug trafficking areas determined under  
4 subsection (a) to have the largest amount of water di-  
5 verted for marijuana cultivation within the State of Cali-  
6 fornia.

7 **SEC. 13. EFFECT ON STATE LAWS.**

8 Nothing in this Act preempts any State law, includ-  
9 ing area of origin and other water rights protections.

10 **SEC. 14. EFFECT ON NATIVE WATER AND FISHING RIGHTS.**

11 Nothing in this Act is intended to in any way dimin-  
12 ish the water, fishing, or other rights of Indian tribes as  
13 confirmed by treaty, Executive order, water rights settle-  
14 ment, or other judicial, administrative, or legislative au-  
15 thority, or to diminish the obligations of the Secretary of  
16 the Interior on behalf of the United States to assert and  
17 protect such rights.

18 **SEC. 15. TREATMENT OF DROUGHT UNDER THE ROBERT T.**

19 **STAFFORD DISASTER RELIEF AND EMER-**  
20 **GENCY ASSISTANCE ACT.**

21 (a) FINDINGS.—Congress finds that—

22 (1) the term “major disaster” (as defined in  
23 section 102 of the Robert T. Stafford Disaster Relief  
24 and Emergency Assistance Act (42 U.S.C. 5122))  
25 includes drought, yet no drought in the 30 years

1 preceding the date of enactment of this Act has been  
2 declared by the President to be a major disaster in  
3 any of the States in accordance with section 401 of  
4 that Act (42 U.S.C. 5170);

5 (2) a major drought shall be eligible to be de-  
6 clared a major disaster or state of emergency by the  
7 President on the request of the Governor of any  
8 State;

9 (3) droughts are natural disasters that do  
10 occur, and while of a different type of impact, the  
11 scale of the impact of a major drought can be equiv-  
12 alent to other disasters that have been declared by  
13 the President to be a major disaster under the Rob-  
14 ert T. Stafford Disaster Relief and Emergency As-  
15 sistance Act (42 U.S.C. 5121 et seq.); and

16 (4) droughts have wide-ranging and long-term  
17 impacts on ecosystem health, agriculture production,  
18 permanent crops, forests, waterways, air quality,  
19 public health, wildlife, employment, communities,  
20 State and national parks, and other natural re-  
21 sources of a State and the people of that State that  
22 have significant value.

23 (b) AMENDMENT.—Section 502(a) of the Robert T.  
24 Stafford Disaster Relief and Emergency Assistance Act  
25 (42 U.S.C. 5192(a)) is amended—

- 1 (1) in paragraph (7), by striking “and”;
- 2 (2) in paragraph (8), by striking the period at  
3 the end and inserting a semicolon; and
- 4 (3) by adding at the end the following:
- 5 “(9) provide disaster unemployment assistance  
6 in accordance with section 410;
- 7 “(10) provide emergency nutrition assistance in  
8 accordance with section 412; and
- 9 “(11) provide crisis counseling assistance in ac-  
10 cordance with section 416.”.

11 **SEC. 16. KLAMATH BASIN WATER SUPPLY.**

12 The Klamath Basin Water Supply Enhancement Act  
13 of 2000 (Public Law 106–498; 114 Stat. 2221) is amend-  
14 ed—

- 15 (1) by redesignating sections 4 through 6 as  
16 sections 5 through 7, respectively; and
- 17 (2) by inserting after section 3 the following:

18 **“SEC. 4. WATER MANAGEMENT AND PLANNING ACTIVITIES.**

19 “The Secretary is authorized to engage in activities,  
20 including entering into agreements and contracts or other-  
21 wise making financial assistance available, to reduce water  
22 consumption or demand, or to restore ecosystems in the  
23 Klamath Basin watershed, including tribal fishery re-  
24 sources held in trust, consistent with collaborative agree-

1 ments for environmental restoration and settlements of  
2 water rights claims.”.

3 **SEC. 17. DROUGHT PREPAREDNESS FOR FISHERIES.**

4 (a) SALMON DROUGHT PLAN.—Not later than Janu-  
5 ary 1, 2016, the United States Fish and Wildlife Service  
6 shall, in consultation with the National Marine Fisheries  
7 Service, the Bureau of Reclamation, the Army Corps of  
8 Engineers, and the California Department of Fish and  
9 Wildlife, prepare a California salmon drought plan. The  
10 plan shall investigate options to protect salmon popu-  
11 lations originating in the State of California, contribute  
12 to the recovery of populations listed under the Endangered  
13 Species Act of 1973 (16 U.S.C. 1531 et seq.), and con-  
14 tribute to the goals of the Central Valley Project Improve-  
15 ment Act (Public Law 102–575). The plan shall focus on  
16 actions that can aid salmon populations during the driest  
17 years. Strategies investigated shall include—

18 (1) relocating the release location and timing of  
19 hatchery fish to avoid predation and temperature  
20 impacts;

21 (2) barging of hatchery release fish to improve  
22 survival and reduce straying;

23 (3) coordinating with water users, the Bureau  
24 of Reclamation, and the California Department of  
25 Water Resources regarding voluntary water trans-

1 fers, to determine if water released upstream to  
2 meet the needs of downstream or South-of-Delta  
3 water users can be managed in a way that provides  
4 additional benefits for salmon;

5 (4) hatchery management modifications, such  
6 as expanding hatchery production of listed fish dur-  
7 ing the driest years, if appropriate; and

8 (5) increasing rescue operations of upstream  
9 migrating fish.

10 (b) APPROPRIATION.—There is hereby appropriated  
11 for fiscal year 2014, out of any funds in the Treasury not  
12 otherwise appropriated, a total amount of \$3,000,000, to  
13 remain available until the end of the period during which  
14 the State’s emergency drought designation is in effect, for  
15 the United States Fish and Wildlife Service for urgent  
16 fish, stream, and hatchery activities related to extreme  
17 drought conditions, including work with the National Ma-  
18 rine Fisheries Service, the Bureau of Reclamation, the  
19 Army Corps of Engineers, the California Department of  
20 Fish and Wildlife, or a qualified tribal government.

21 (c) QUALIFIED TRIBAL GOVERNMENT DEFINI-  
22 TION.—For the purposes of this section, the term “quali-  
23 fied tribal government” means any government of an In-  
24 dian tribe that the Secretary of the Interior determines—

1           (1) is involved in salmon management and re-  
2           covery activities under the Endangered Species Act  
3           of 1973 (16 U.S.C. 1531 et seq.); and

4           (2) has the management and organizational ca-  
5           pability to maximize the benefits of assistance pro-  
6           vided under this section.

7   **SEC. 18. WATER STORAGE-INTEGRATED REGIONAL WATER**  
8                   **MANAGEMENT, RECLAMATION, AND RECY-**  
9                   **CLING PROJECTS.**

10          Subtitle F of title IX of the Omnibus Public Land  
11          Management Act of 2009 (42 U.S.C. 10361 et seq.) is  
12          amended by adding at the end the following:

13   **“SEC. 9511. WATER STORAGE-INTEGRATED REGIONAL**  
14                   **WATER MANAGEMENT, RECLAMATION, AND**  
15                   **RECYCLING PROJECTS.**

16          “(a) IN GENERAL.—The Secretary is authorized to  
17          enter into cost-shared financial assistance agreements  
18          with non-Federal entities in Reclamation States and Ha-  
19          waii for the planning, design, and construction of perma-  
20          nent water storage and conveyance facilities used solely  
21          to regulate and maximize water supplies arising from  
22          projects deemed eligible for assistance under this Act or  
23          authorized under any other provision of law to—

24                   “(1) recycle impaired surface water and ground  
25                   water; or

1           “(2) use integrated and coordinated water man-  
2           agement on a watershed or regional scale.

3           “(b) PRIORITY.—In providing financial assistance  
4 under this section, the Secretary shall give priority to stor-  
5 age and conveyance components that—

6           “(1) ensure the efficient and beneficial use of  
7 water or reuse of the recycled water;

8           “(2) consistent with Secretarial Order No. 3297  
9 issued by the Secretary of the Interior on February  
10 22, 2010, support—

11           “(A) sustainable water management prac-  
12 tices; and

13           “(B) the water sustainability objectives of  
14 one or more bureaus of the Department of the  
15 Interior or other Federal agencies, including the  
16 Department of Agriculture, the Department of  
17 Commerce, the Department of Energy, and the  
18 Environmental Protection Agency;

19           “(3) increase the availability of usable water  
20 supplies in a watershed or region to benefit people,  
21 the economy, and the environment and include  
22 adaptive measures needed to address climate change  
23 and future demands;

1           “(4) where practicable, provide flood control or  
2 recreation benefits and include the development of  
3 incremental hydroelectric power generation;

4           “(5) include partnerships that go beyond polit-  
5 ical and institutional jurisdictions to support the ef-  
6 ficient use of the limited water resources of a region  
7 and the Nation; and

8           “(6) generate environmental benefits, such as  
9 benefits to fisheries, wildlife, wildlife habitats, and  
10 water quality, water-dependent ecological systems,  
11 and water supply benefits to agricultural and urban  
12 water users.

13       “(c) FEDERAL COST SHARE.—The Federal share of  
14 the cost of a project authorized in subsection (a) shall be  
15 the lesser of 50 percent of total costs or \$15,000,000 (ad-  
16 justed for inflation) and shall be nonreimbursable.

17       “(d) IN-KIND CONTRIBUTIONS.—The non-Federal  
18 share of the cost of a project authorized in subsection (a)  
19 may include ‘in-kind’ contributions to the planning, de-  
20 sign, and construction of a project.

21       “(e) TITLE; OPERATION AND MAINTENANCE  
22 COSTS.—The non-Federal entity entering into such finan-  
23 cial assistance agreements shall hold title to any and all  
24 facilities constructed under this section, and shall be solely

1 responsible for the costs of operating and maintaining  
2 such facilities.”.

3 **SEC. 19. EMERGENCY PLANNING.**

4 (a) CATASTROPHIC DROUGHT PLAN.—Not later than  
5 120 days after the enactment of this Act, the President  
6 shall update the National Response Plan and the National  
7 Disaster Recovery Framework to include a plan for cata-  
8 strophic drought that calls on the capabilities of all appli-  
9 cable Federal agencies and departments including the pre-  
10 positioning of Federal resources to provide emergency  
11 clean water supplies.

12 (b) DEFINITIONS.—For the purposes of this sec-  
13 tion—

14 (1) the term “National Response Plan” means  
15 the National Response Plan or any successor plan  
16 prepared under section 502(a)(6) of the Homeland  
17 Security Act of 2002; and

18 (2) the term “National Disaster Recovery  
19 Framework” means the National Disaster Recovery  
20 Framework or any successor document prepared  
21 under section 682 of the Post-Katrina Emergency  
22 Management Reform Act of 2006.

23 **SEC. 20. TERMINATION OF AUTHORITIES.**

24 The authorities under sections 3, 4, 7, 8, and 12 ex-  
25 pire on the date on which the Governor of the State sus-

- 1 pends the state of drought emergency declaration or the
- 2 end of 2016, whichever is earlier.

○