

**Calendar No. 126**115TH CONGRESS  
1ST SESSION**S. 199****[Report No. 115-96]**

To authorize the use of the active capacity of the Fontenelle Reservoir.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2017

Mr. BARRASSO (for himself and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 8, 2017

Reported by Ms. MURKOWSKI, without amendment

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**A BILL**

To authorize the use of the active capacity of the Fontenelle Reservoir.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTHORITY TO MAKE ENTIRE ACTIVE CAPAC-**  
2 **ITY OF FONTENELLE RESERVOIR AVAILABLE**  
3 **FOR USE.**

4 (a) IN GENERAL.—The Secretary of the Interior, in  
5 cooperation with the State of Wyoming, may amend the  
6 Definite Plan Report for the Seedskadee Project author-  
7 ized under the first section of the Act of April 11, 1956  
8 (commonly known as the “Colorado River Storage Project  
9 Act”) (43 U.S.C. 620), to provide for the study, design,  
10 planning, and construction activities that will enable the  
11 use of all active storage capacity (as may be defined or  
12 limited by legal, hydrologic, structural, engineering, eco-  
13 nomic, and environmental considerations) of Fontenelle  
14 Dam and Reservoir, including the placement of sufficient  
15 riprap on the upstream face of Fontenelle Dam to allow  
16 the active storage capacity of Fontenelle Reservoir to be  
17 used for those purposes for which the Seedskadee Project  
18 was authorized.

19 (b) COOPERATIVE AGREEMENTS.—

20 (1) IN GENERAL.—The Secretary of the Inte-  
21 rior may enter into any contract, grant, cooperative  
22 agreement, or other agreement that is necessary to  
23 carry out subsection (a).

24 (2) STATE OF WYOMING.—

25 (A) IN GENERAL.—The Secretary of the  
26 Interior shall enter into a cooperative agree-

1           ment with the State of Wyoming to work in co-  
2           operation and collaboratively with the State of  
3           Wyoming for planning, design, related  
4           preconstruction activities, and construction of  
5           any modification of the Fontenelle Dam under  
6           subsection (a).

7           (B) REQUIREMENTS.—The cooperative  
8           agreement under subparagraph (A) shall, at a  
9           minimum, specify the responsibilities of the  
10          Secretary of the Interior and the State of Wyo-  
11          ming with respect to—

12                 (i) completing the planning and final  
13                 design of the modification of the  
14                 Fontenelle Dam under subsection (a);

15                 (ii) any environmental and cultural re-  
16                 source compliance activities required for  
17                 the modification of the Fontenelle Dam  
18                 under subsection (a) including compliance  
19                 with—

20                         (I) the National Environmental  
21                         Policy Act of 1969 (42 U.S.C. 4321  
22                         et seq.);

23                         (II) the Endangered Species Act  
24                         of 1973 (16 U.S.C. 1531 et seq.); and

1 (III) subdivision 2 of division A  
2 of subtitle III of title 54, United  
3 States Code; and

4 (iii) the construction of the modifica-  
5 tion of the Fontenelle Dam under sub-  
6 section (a).

7 (c) FUNDING BY STATE OF WYOMING.—Pursuant to  
8 the Act of March 4, 1921 (41 Stat. 1404, chapter 161;  
9 43 U.S.C. 395), and as a condition of providing any addi-  
10 tional storage under subsection (a), the State of Wyoming  
11 shall provide to the Secretary of the Interior funds for any  
12 work carried out under subsection (a).

13 (d) OTHER CONTRACTING AUTHORITY.—

14 (1) IN GENERAL.—The Secretary of the Inte-  
15 rior may enter into contracts with the State of Wyo-  
16 ming, on such terms and conditions as the Secretary  
17 of the Interior and the State of Wyoming may agree,  
18 for division of any additional active capacity made  
19 available under subsection (a).

20 (2) TERMS AND CONDITIONS.—Unless other-  
21 wise agreed to by the Secretary of the Interior and  
22 the State of Wyoming, a contract entered into under  
23 paragraph (1) shall be subject to the terms and con-  
24 ditions of Bureau of Reclamation Contract No. 14—

1 06–400–2474 and Bureau of Reclamation Contract  
2 No. 14–06–400–6193.

3 **SEC. 2. SAVINGS PROVISIONS.**

4 Unless expressly provided in this Act, nothing in this  
5 Act modifies, conflicts with, preempts, or otherwise af-  
6 fects—

7 (1) the Boulder Canyon Project Act (43 U.S.C.  
8 617 et seq.);

9 (2) the Colorado River Compact of 1922, as ap-  
10 proved by the Presidential Proclamation of June 25,  
11 1929 (46 Stat. 3000);

12 (3) the Boulder Canyon Project Adjustment Act  
13 (43 U.S.C. 618 et seq.);

14 (4) the Treaty between the United States of  
15 America and Mexico relating to the utilization of  
16 waters of the Colorado and Tijuana Rivers and of  
17 the Rio Grande, and supplementary protocol signed  
18 November 14, 1944, signed at Washington February  
19 3, 1944 (59 Stat. 1219);

20 (5) the Upper Colorado River Basin Compact  
21 as consented to by the Act of April 6, 1949 (63  
22 Stat. 31);

23 (6) the Act of April 11, 1956 (commonly known  
24 as the “Colorado River Storage Project Act”) (43  
25 U.S.C. 620 et seq.);

- 1           (7) the Colorado River Basin Project Act (Pub-
- 2           lic Law 90-537; 82 Stat. 885); or
- 3           (8) any State of Wyoming or other State water
- 4           law.



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