

JANUARY 29, 2013

RULES COMMITTEE PRINT 113-34
TEXT OF H.R. 3964, SACRAMENTO-SAN JOAQUIN
VALLEY EMERGENCY WATER DELIVERY ACT

[Showing the text of the bill as introduced with technical changes.]

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Sacramento-San Joaquin Valley Emergency Water Deliv-
4 ery Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

Sec. 101. Amendment to purposes.

Sec. 102. Amendment to definition.

Sec. 103. Contracts.

Sec. 104. Water transfers, improved water management, and conservation.

Sec. 105. Fish, wildlife, and habitat restoration.

Sec. 106. Restoration fund.

Sec. 107. Additional authorities.

Sec. 108. Bay-Delta Accord.

Sec. 109. Natural and artificially spawned species.

Sec. 110. Authorized service area.

Sec. 111. Regulatory streamlining.

Sec. 112. Warren Act contracts.

Sec. 113. Additional Warren Act contracts.

Sec. 114. Pilot Program to Protect Native Anadromous Fish in the Stanislaus
River.

Sec. 115. San Luis Reservoir.

TITLE II—SAN JOAQUIN RIVER RESTORATION

Sec. 201. Repeal of the San Joaquin River settlement.

Sec. 202. Purpose.

Sec. 203. Definitions.

- Sec. 204. Implementation of restoration.
- Sec. 205. Disposal of property; title to facilities.
- Sec. 206. Compliance with applicable law.
- Sec. 207. Compliance with Central Valley Project Improvement Act.
- Sec. 208. No private right of action.
- Sec. 209. Implementation.
- Sec. 210. Repayment contracts and acceleration of repayment of construction costs.
- Sec. 211. Repeal.
- Sec. 212. Water supply mitigation.
- Sec. 213. Additional Authorities.

TITLE III—REPAYMENT CONTRACTS AND ACCELERATION OF
REPAYMENT OF CONSTRUCTION COSTS

- Sec. 301. Repayment contracts and acceleration of repayment of construction costs.

TITLE IV—BAY-DELTA WATERSHED WATER RIGHTS
PRESERVATION AND PROTECTION

- Sec. 401. Water rights and area-of-origin protections.
- Sec. 402. Sacramento River settlement contracts.
- Sec. 403. Sacramento River Watershed Water Service Contractors.
- Sec. 404. No redirected adverse impacts.

TITLE V—MISCELLANEOUS

- Sec. 501. Precedent.
- Sec. 502. No effect on Proclamation of State of Emergency.
- Sec. 503. Wild and Scenic Rivers Act.

1 **TITLE I—CENTRAL VALLEY**
2 **PROJECT WATER RELIABILITY**
3 **SEC. 101. AMENDMENT TO PURPOSES.**

4 Section 3402 of the Central Valley Project Improve-
5 ment Act (106 Stat. 4706) is amended—

6 (1) in subsection (f), by striking the period at
7 the end; and

8 (2) by adding at the end the following:

9 “(g) to ensure that water dedicated to fish and wild-
10 life purposes by this title is replaced and provided to Cen-

1 tral Valley Project water contractors by December 31,
2 2018, at the lowest cost reasonably achievable; and

3 “(h) to facilitate and expedite water transfers in ac-
4 cordance with this Act.”.

5 **SEC. 102. AMENDMENT TO DEFINITION.**

6 Section 3403 of the Central Valley Project Improve-
7 ment Act (106 Stat. 4707) is amended—

8 (1) by amending subsection (a) to read as fol-
9 lows:

10 “(a) the term ‘anadromous fish’ means those native
11 stocks of salmon (including steelhead) and sturgeon that,
12 as of October 30, 1992, were present in the Sacramento
13 and San Joaquin Rivers and their tributaries and ascend
14 those rivers and their tributaries to reproduce after matur-
15 ing in San Francisco Bay or the Pacific Ocean;”;

16 (2) in subsection (l), by striking “and,”

17 (3) in subsection (m), by striking the period
18 and inserting “; and”, and

19 (4) by adding at the end the following:

20 “(n) the term ‘reasonable flows’ means water flows
21 capable of being maintained taking into account com-
22 peting consumptive uses of water and economic, environ-
23 mental, and social factors.”.

1 **SEC. 103. CONTRACTS.**

2 Section 3404 of the Central Valley Project Improve-
3 ment Act (106 Stat. 4708) is amended—

4 (1) in the heading, by striking “**LIMITATION**
5 **ON CONTRACTING AND CONTRACT REFORM**”
6 and inserting “**CONTRACTS**”; and

7 (2) by striking the language of the section and
8 by adding:

9 “(a) **RENEWAL OF EXISTING LONG-TERM CON-**
10 **TRACTS.**—Upon request of the contractor, the Secretary
11 shall renew any existing long-term repayment or water
12 service contract that provides for the delivery of water
13 from the Central Valley Project for a period of 40 years.

14 “(b) **ADMINISTRATION OF CONTRACTS.**—Except as
15 expressly provided by this Act, any existing long-term re-
16 payment or water service contract for the delivery of water
17 from the Central Valley Project shall be administered pur-
18 suant to the Act of July 2, 1956 (70 Stat. 483).

19 “(c) **DELIVERY CHARGE.**—Beginning on the date of
20 the enactment of this Act, a contract entered into or re-
21 newed pursuant to this section shall include a provision
22 that requires the Secretary to charge the other party to
23 such contract only for water actually delivered by the Sec-
24 retary.”.

1 **SEC. 104. WATER TRANSFERS, IMPROVED WATER MANAGE-**
2 **MENT, AND CONSERVATION.**

3 Section 3405 of the Central Valley Project Improve-
4 ment Act (106 Stat. 4709) is amended as follows:

5 (1) In subsection (a)—

6 (A) by inserting before “Except as pro-
7 vided herein” the following: “The Secretary
8 shall take all necessary actions to facilitate and
9 expedite transfers of Central Valley Project
10 water in accordance with this Act or any other
11 provision of Federal reclamation law and the
12 National Environmental Policy Act of 1969.”;

13 (B) in paragraph (1)(A), by striking “to
14 combination” and inserting “or combination”;

15 (C) in paragraph (2), by adding at the end
16 the following:

17 “(E) The contracting district from which
18 the water is coming, the agency, or the Sec-
19 retary shall determine if a written transfer pro-
20 posal is complete within 45 days after the date
21 of submission of such proposal. If such district
22 or agency or the Secretary determines that such
23 proposal is incomplete, such district or agency
24 or the Secretary shall state with specificity
25 what must be added to or revised in order for
26 such proposal to be complete.

1 “(F) Except as provided in this section,
2 the Secretary shall not impose mitigation or
3 other requirements on a proposed transfer, but
4 the contracting district from which the water is
5 coming or the agency shall retain all authority
6 under State law to approve or condition a pro-
7 posed transfer.”; and

8 (D) by adding at the end the following:

9 “(4) Notwithstanding any other provision of
10 Federal reclamation law—

11 “(A) the authority to make transfers or ex-
12 changes of, or banking or recharge arrange-
13 ments using, Central Valley Project water that
14 could have been conducted before October 30,
15 1992, is valid, and such transfers, exchanges,
16 or arrangements shall not be subject to, limited,
17 or conditioned by this title; and

18 “(B) this title shall not supersede or re-
19 voke the authority to transfer, exchange, bank,
20 or recharge Central Valley Project water that
21 existed prior to October 30, 1992.”.

22 (2) In subsection (b)—

23 (A) in the heading, by striking “METER-
24 ING” and inserting “MEASUREMENT”; and

1 (B) by inserting after the first sentence
2 the following: “The contracting district or agen-
3 cy, not including contracting districts serving
4 multiple agencies with separate governing
5 boards, shall ensure that all contractor-owned
6 water delivery systems within its boundaries
7 measure surface water at the district or agen-
8 cy’s facilities up to the point the surface water
9 is commingled with other water supplies.”.

10 (3) By striking subsection (d).

11 (4) By redesignating subsections (e) and (f) as
12 subsections (d) and (e), respectively.

13 (5) By amending subsection (e)(as redesignated
14 by paragraph (4))—

15 (A) by striking “as a result of the in-
16 creased repayment” and inserting “that exceed
17 the cost-of-service”;

18 (B) by inserting “the delivery of” after
19 “rates applicable to”; and

20 (C) by striking “, and all increased reve-
21 nues received by the Secretary as a result of the
22 increased water prices established under sub-
23 section 3405(d) of this section,”.

1 **SEC. 105. FISH, WILDLIFE, AND HABITAT RESTORATION.**

2 Section 3406 of the Central Valley Project Improve-
3 ment Act (106 Stat. 4714) is amended as follows:

4 (1) In subsection (b)—

5 (A) in paragraph (1)(B)—

6 (i) by striking “is authorized and di-
7 rected to” and inserting “may”;

8 (ii) by inserting “reasonable water”
9 after “to provide”;

10 (iii) by striking “anadromous fish, ex-
11 cept that such” and inserting “anad-
12 romous fish. Such”;

13 (iv) by striking “Instream flow” and
14 inserting “Reasonable instream flow”;

15 (v) by inserting “and the National
16 Marine Fisheries Service” after “United
17 States Fish and Wildlife Service”; and

18 (vi) by striking “California Depart-
19 ment of Fish and Game” and inserting
20 “United States Geological Survey”;

21 (B) in paragraph (2)—

22 (i) by striking “primary purpose” and
23 inserting “purposes”;

24 (ii) by striking “but not limited to”
25 before “additional obligations”; and

1 (iii) by adding after the period the fol-
2 lowing: “All Central Valley Project water
3 used for the purposes specified in this
4 paragraph shall be credited to the quantity
5 of Central Valley Project yield dedicated
6 and managed under this paragraph by de-
7 termining how the dedication and manage-
8 ment of such water would affect the deliv-
9 ery capability of the Central Valley Project
10 during the 1928 to 1934 drought period
11 after fishery, water quality, and other flow
12 and operational requirements imposed by
13 terms and conditions existing in licenses,
14 permits, and other agreements pertaining
15 to the Central Valley Project under appli-
16 cable State or Federal law existing on Oc-
17 tober 30, 1992, have been met. To the full-
18 est extent possible and in accordance with
19 section 3411, Central Valley Project water
20 dedicated and managed pursuant to this
21 paragraph shall be reused to fulfill the
22 Secretary’s remaining contractual obliga-
23 tions to provide Central Valley Project
24 water for agricultural or municipal and in-
25 dustrial purposes.”;

1 (C) by amending paragraph (2)(C) to read:

2 “(C) If by March 15th of any year the
3 quantity of Central Valley Project water fore-
4 casted to be made available to water service or
5 repayment contractors in the Delta Division of
6 the Central Valley Project is below 75 percent
7 of the total quantity of water to be made avail-
8 able under said contracts, the quantity of Cen-
9 tral Valley Project yield dedicated and managed
10 for that year under this paragraph shall be re-
11 duced by 25 percent.”.

12 (2) By adding at the end the following:

13 “(i) SATISFACTION OF PURPOSES.—
14 By pursuing the activities described in this
15 section, the Secretary shall be deemed to
16 have met the mitigation, protection, res-
17 toration, and enhancement purposes of this
18 title.”.

19 **SEC. 106. RESTORATION FUND.**

20 (a) IN GENERAL.—Section 3407(a) of the Central
21 Valley Project Improvement Act (106 Stat. 4726) is
22 amended as follows:

23 (1) By inserting “(1) IN GENERAL.—” before
24 “There is hereby”.

1 (2) By striking “Not less than 67 percent” and
2 all that follows through “Monies” and inserting
3 “Monies”.

4 (3) By adding at the end the following:

5 “(2) PROHIBITIONS.—The Secretary may not directly
6 or indirectly require a donation or other payment to the
7 Restoration Fund—

8 “(A) or environmental restoration or mitigation
9 fees not otherwise provided by law, as a condition
10 to—

11 “(i) providing for the storage or convey-
12 ance of non-Central Valley Project water pursu-
13 ant to Federal reclamation laws; or

14 “(ii) the delivery of water pursuant to sec-
15 tion 215 of the Reclamation Reform Act of
16 1982 (Public Law 97–293; 96 Stat. 1270); or

17 “(B) for any water that is delivered with the
18 sole intent of groundwater recharge.”.

19 (b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the
20 Central Valley Project Improvement Act is amended—

21 (1) by striking “mitigation and restoration”;

22 (2) by striking “provided for or”; and

23 (3) by striking “of fish, wildlife” and all that
24 follows through the period and inserting “of carrying
25 out all activities described in this title.”.

1 (c) ADJUSTMENT AND ASSESSMENT OF MITIGATION
2 AND RESTORATION PAYMENTS.—Section 3407(d)(2) of
3 the Central Valley Project Improvement Act is amended
4 by inserting “, or after October 1, 2015, \$4 per megawatt-
5 hour for Central Valley Project power sold to power con-
6 tractors (October 2015 price levels)” after “\$12 per acre-
7 foot (October 1992 price levels) for municipal and indus-
8 trial water sold and delivered by the Central Valley
9 Project”.

10 (d) COMPLETION OF ACTIONS.—Section
11 3407(d)(2)(A) of the Central Valley Project Improvement
12 Act is amended by inserting “no later than December 31,
13 2020,” after “That upon the completion of the fish, wild-
14 life, and habitat mitigation and restoration actions man-
15 dated under section 3406 of this title,”.

16 (e) REPORT; ADVISORY BOARD.—Section 3407 of the
17 Central Valley Project Improvement Act (106 Stat. 4714)
18 is amended by adding at the end the following:

19 “(g) REPORT ON EXPENDITURE OF FUNDS.—At the
20 end of each fiscal year, the Secretary, in consultation with
21 the Restoration Fund Advisory Board, shall submit to
22 Congress a plan for the expenditure of all of the funds
23 deposited into the Restoration Fund during the preceding
24 fiscal year. Such plan shall contain a cost-effectiveness
25 analysis of each expenditure.

1 “(h) ADVISORY BOARD.—

2 “(1) ESTABLISHMENT.—There is hereby estab-
3 lished the Restoration Fund Advisory Board (herein-
4 after in this section referred to as the ‘Advisory
5 Board’) composed of 12 members selected by the
6 Secretary, each for four-year terms, one of whom
7 shall be designated by the Secretary as Chairman.
8 The members shall be selected so as to represent the
9 various Central Valley Project stakeholders, four of
10 whom shall be from CVP agricultural users, three
11 from CVP municipal and industrial users, three
12 from CVP power contractors, and two at the discre-
13 tion of the Secretary. The Secretary and the Sec-
14 retary of Commerce may each designate a represent-
15 ative to act as an observer of the Advisory Board.

16 “(2) DUTIES.—The duties of the Advisory
17 Board are as follows:

18 “(A) To meet at least semiannually to de-
19 velop and make recommendations to the Sec-
20 retary regarding priorities and spending levels
21 on projects and programs carried out pursuant
22 to the Central Valley Project Improvement Act.

23 “(B) To ensure that any advice or rec-
24 ommendation made by the Advisory Board to

1 the Secretary reflect the independent judgment
2 of the Advisory Board.

3 “(C) Not later than December 31, 2015,
4 and annually thereafter, to transmit to the Sec-
5 retary and Congress recommendations required
6 under subparagraph (A).

7 “(D) Not later than December 31, 2015,
8 and biennially thereafter, to transmit to Con-
9 gress a report that details the progress made in
10 achieving the actions mandated under section
11 3406 of this title.

12 “(3) ADMINISTRATION.—With the consent of
13 the appropriate agency head, the Advisory Board
14 may use the facilities and services of any Federal
15 agency.”.

16 **SEC. 107. ADDITIONAL AUTHORITIES.**

17 (a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section
18 3408(c) of the Central Valley Project Improvement Act
19 (106 Stat. 4728) is amended to read as follows:

20 “(c) CONTRACTS FOR ADDITIONAL STORAGE AND
21 DELIVERY OF WATER.—

22 “(1) IN GENERAL.—The Secretary is authorized
23 to enter into contracts pursuant to Federal reclama-
24 tion law and this title with any Federal agency, Cali-
25 fornia water user or water agency, State agency, or

1 private organization for the exchange, impoundment,
2 storage, carriage, and delivery of nonproject water
3 for domestic, municipal, industrial, fish and wildlife,
4 and any other beneficial purpose.

5 “(2) LIMITATION.—Nothing in this subsection
6 shall be deemed to supersede the provisions of sec-
7 tion 103 of Public Law 99–546 (100 Stat. 3051).

8 “(3) AUTHORITY FOR CERTAIN ACTIVITIES.—
9 The Secretary shall use the authority granted by
10 this subsection in connection with requests to ex-
11 change, impound, store, carry, or deliver nonproject
12 water using Central Valley Project facilities for any
13 beneficial purpose.

14 “(4) RATES.—The Secretary shall develop rates
15 not to exceed the amount required to recover the
16 reasonable costs incurred by the Secretary in con-
17 nection with a beneficial purpose under this sub-
18 section. Such rates shall be charged to a party using
19 Central Valley Project facilities for such purpose.
20 Such costs shall not include any donation or other
21 payment to the Restoration Fund.

22 “(5) CONSTRUCTION.—This subsection shall be
23 construed and implemented to facilitate and encour-
24 age the use of Central Valley Project facilities to ex-

1 change, impound, store, carry, or deliver nonproject
2 water for any beneficial purpose.”.

3 (b) REPORTING REQUIREMENTS.—Section 3408(f) of
4 the Central Valley Project Improvement Act (106 Stat.
5 4729) is amended—

6 (1) by striking “Interior and Insular Affairs
7 and the Committee on Merchant Marine and Fish-
8 eries” and inserting “Natural Resources”;

9 (2) in the second sentence, by inserting before
10 the period at the end the following: “, including
11 progress on the plan required by subsection (j)”;

12 (3) by adding at the end the following: “The fil-
13 ing and adequacy of such report shall be personally
14 certified to the Committees referenced above by the
15 Regional Director of the Mid-Pacific Region of the
16 Bureau of Reclamation.”.

17 (c) PROJECT YIELD INCREASE.—Section 3408(j) of
18 the Central Valley Project Improvement Act (106 Stat.
19 4730) is amended as follows:

20 (1) By redesignating paragraphs (1) through
21 (7) as subparagraphs (A) through (G), respectively.

22 (2) By striking “In order to minimize adverse
23 effects, if any, upon” and inserting “(1) IN GEN-
24 ERAL.—In order to minimize adverse effects upon”.

1 (3) By striking “needs, the Secretary,” and all
2 that follows through “submit to the Congress, a”
3 and inserting “needs, the Secretary, on a priority
4 basis and not later than September 30, 2015, shall
5 submit to Congress a”.

6 (4) By striking “increase,” and all that follows
7 through “options:” and inserting “increase, as soon
8 as possible but not later than September 30, 2018
9 (except for the construction of new facilities which
10 shall not be limited by that deadline), the water of
11 the Central Valley Project by the amount dedicated
12 and managed for fish and wildlife purposes under
13 this title and otherwise required to meet the pur-
14 poses of the Central Valley Project including satis-
15 fying contractual obligations. The plan required by
16 this subsection shall include recommendations on ap-
17 propriate cost-sharing arrangements and authorizing
18 legislation or other measures needed to implement
19 the intent, purposes, and provisions of this sub-
20 section and a description of how the Secretary in-
21 tends to use the following options—”.

22 (5) In subparagraph (A), by inserting “and
23 construction of new water storage facilities” before
24 the semicolon.

1 (6) In subparagraph (F), by striking “and” at
2 the end.

3 (7) In subparagraph (G), by striking the period
4 and all that follows through the end of the sub-
5 section and inserting “; and”.

6 (8) By inserting after subparagraph (G) the fol-
7 lowing:

8 “(H) Water banking and recharge.”.

9 (9) By adding at the end the following:

10 “(2) IMPLEMENTATION OF PLAN.—The Sec-
11 retary shall implement the plan required by para-
12 graph (1) commencing on October 1, 2015. In order
13 to carry out this subsection, the Secretary shall co-
14 ordinate with the State of California in imple-
15 menting measures for the long-term resolution of
16 problems in the San Francisco Bay/Sacramento-San
17 Joaquin Delta Estuary.

18 “(3) FAILURE OF THE PLAN.—Notwithstanding
19 any other provision of Federal reclamation law, if by
20 September 30, 2018, the plan required by paragraph
21 (1) fails to increase the annual delivery capability of
22 the Central Valley Project by 800,000 acre-feet, im-
23 plementation of any non-mandatory action under
24 section 3406(b)(2) shall be suspended until the plan

1 achieves an increase in the annual delivery capability
2 of the Central Valley Project by 800,000 acre-feet.”.

3 (d) TECHNICAL CORRECTION.—Section 3408(h) of
4 the Central Valley Project Improvement Act (106 Stat.
5 4729) is amended—

6 (1) in paragraph (1), by striking “paragraph
7 (h)(2)” and inserting “paragraph (2)”; and

8 (2) in paragraph (2), by striking “paragraph
9 (h)(i)” and inserting “paragraph (1)”.

10 (e) WATER STORAGE PROJECT CONSTRUCTION.—

11 The Secretary, acting through the Commissioner of the
12 Bureau of Reclamation, may partner or enter into an
13 agreement on the water storage projects identified in sec-
14 tion 103(d)(1) of the Water Supply Reliability, and Envi-
15 ronmental Improvement Act (Public Law 108–361)(and
16 Acts supplemental and amendatory to the Act) with local
17 joint powers authorities formed pursuant to State law by
18 irrigation districts and other local water districts and local
19 governments within the applicable hydrologic region, to
20 advance these projects. No additional Federal funds are
21 authorized for the activities authorized in sections
22 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of
23 Public Law 108–361. However, each water storage project
24 under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and
25 103(d)(1)(A)(iii) of Public Law 108–361 is authorized for

1 construction if non-Federal funds are used for financing
2 and constructing the project.

3 **SEC. 108. BAY-DELTA ACCORD.**

4 (a) CONGRESSIONAL DIRECTION REGARDING CEN-
5 TRAL VALLEY PROJECT AND CALIFORNIA STATE WATER
6 PROJECT OPERATIONS.—The Central Valley Project and
7 the State Water Project shall be operated pursuant to the
8 water quality standards and operational constraints de-
9 scribed in the “Principles for Agreement on the Bay-Delta
10 Standards Between the State of California and the Fed-
11 eral Government” dated December 15, 1994, and such op-
12 erations shall proceed without regard to the Endangered
13 Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other
14 law pertaining to the operation of the Central Valley
15 Project and the California State Water Project. Imple-
16 mentation of this section shall be in strict conformance
17 with the “Principles for Agreement on the Bay-Delta
18 Standards Between the State of California and the Fed-
19 eral Government” dated December 15, 1994.

20 (b) APPLICATION OF LAWS TO OTHERS.—Neither a
21 Federal department nor the State of California, including
22 any agency or board of the State of California, shall im-
23 pose on any water right obtained pursuant to State law,
24 including a pre-1914 appropriative right, any condition
25 that restricts the exercise of that water right in order to

1 conserve, enhance, recover or otherwise protect any species
2 that is affected by operations of the Central Valley Project
3 or California State Water Project. Nor shall the State of
4 California, including any agency or board of the State of
5 California, restrict the exercise of any water right obtained
6 pursuant to State law, including a pre-1914 appropriative
7 right, in order to protect, enhance, or restore under the
8 Public Trust Doctrine any public trust value. Implementa-
9 tion of the “Principles for Agreement on the Bay-Delta
10 Standards Between the State of California and the Fed-
11 eral Government” dated December 15, 1994, shall be in
12 strict compliance with the water rights priority system and
13 statutory protections for areas of origin.

14 (c) COSTS.—No cost associated with the implementa-
15 tion of this section shall be imposed directly or indirectly
16 on any Central Valley Project contractor, or any other per-
17 son or entity, unless such costs are incurred on a voluntary
18 basis.

19 (d) NATIVE SPECIES PROTECTION.—California law is
20 preempted with respect to any restriction on the quantity
21 or size of nonnative fish taken or harvested that preys
22 upon one or more native fish species that occupy the Sac-
23 ramento and San Joaquin Rivers and their tributaries or
24 the Sacramento-San Joaquin Rivers Delta.

1 **SEC. 109. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.**

2 After the date of the enactment of this title, and re-
3 gardless of the date of listing, the Secretaries of the Inte-
4 rior and Commerce shall not distinguish between natural-
5 spawned and hatchery-spawned or otherwise artificially
6 propagated strains of a species in making any determina-
7 tion under the Endangered Species Act of 1973 (16
8 U.S.C. 1531 et seq.) that relates to any anadromous fish
9 species present in the Sacramento and San Joaquin Rivers
10 or their tributaries and ascend those rivers and their trib-
11 utaries to reproduce after maturing in San Francisco Bay
12 or the Pacific Ocean.

13 **SEC. 110. AUTHORIZED SERVICE AREA.**

14 The authorized service area of the Central Valley
15 Project shall include the area within the boundaries of the
16 Kettleman City Community Services District, California,
17 as those boundaries exist on the date of the enactment
18 of this title. Notwithstanding the provisions of the Act of
19 October 30, 1992 (Public Law 102-575, 106 Stat. 4600
20 et seq.), upon enactment of this title, the Secretary is au-
21 thorized and directed to enter into a long-term contract
22 in accordance with the reclamation laws with the
23 Kettleman City Community Services District, California,
24 for the delivery of up to 900 acre-feet of Central Valley
25 Project water for municipal and industrial use. The Sec-
26 retary may temporarily reduce deliveries of the quantity

1 of water made available pursuant to up to 25 percent of
2 such total whenever reductions due to hydrologic cir-
3 cumstances are imposed upon agricultural deliveries of
4 Central Valley Project water. If any additional infrastruc-
5 ture or related-costs are needed to implement this section,
6 such costs shall be the responsibility of the non-Federal
7 entity.

8 **SEC. 111. REGULATORY STREAMLINING.**

9 (a) **APPLICABILITY OF CERTAIN LAWS.**—Filing of a
10 Notice of Determination or a Notice of Exemption for any
11 project, including the issuance of a permit under State
12 law, related to any project of the CVP or the delivery of
13 water therefrom in accordance with the California Envi-
14 ronmental Quality Act shall be deemed to meet the re-
15 quirements of section 102(2)(C) of the National Environ-
16 mental Protection Act of 1969 (42 U.S.C. 4332(2)(C)) for
17 that project or permit.

18 (b) **CONTINUATION OF PROJECT.**—The Bureau of
19 Reclamation shall not be required to cease or modify any
20 major Federal action or other activity related to any
21 project of the CVP or the delivery of water there from
22 pending completion of judicial review of any determination
23 made under the National Environmental Protection Act
24 of 1969 (42 U.S.C. 4332(2)(C)).

1 (c) PROJECT DEFINED.—For the purposes of this
2 section:

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

5 (2) PROJECT.—The term “project”—

6 (A) means an activity that—

7 (i) is undertaken by a public agency,
8 funded by a public agency, or that requires
9 an issuance of a permit by a public agency;

10 (ii) has a potential to result in phys-
11 ical change to the environment; and

12 (iii) may be subject to several discre-
13 tionary approvals by governmental agen-
14 cies;

15 (B) may include construction activities,
16 clearing or grading of land, improvements to
17 existing structures, and activities or equipment
18 involving the issuance of a permit; or

19 (C) as defined under the California Envi-
20 ronmental Quality Act in section 21065 of the
21 California Public Resource Code.

22 **SEC. 112. WARREN ACT CONTRACTS.**

23 (a) IN GENERAL.—Not later than 30 days after the
24 date of the enactment of this Act, the Secretary of the
25 Interior shall offer to the Oakdale Irrigation District and

1 the South San Joaquin Irrigation District (hereafter in
2 this section referred to as the “districts”) a contract ena-
3 bling the districts to collectively impound and store up to
4 200,000 acre-feet of their Stanislaus River water rights
5 in the New Melones Reservoir in accordance with the
6 terms and conditions of sections 1 through 3 of the Act
7 of February 21, 1911 (43 U.S.C. 523–525; commonly
8 known as the “Warren Act”); provided that before offer-
9 ing any such contract, the Secretary has determined that
10 the amount of water to be impounded and stored under
11 the contract will not directly or indirectly result in any
12 redirected adverse water supply or fiscal impacts to any
13 Central Valley Project contractor related to the Sec-
14 retary’s operation of the Central Valley Project to meet
15 legal obligations imposed by or through any State or Fed-
16 eral agency, including but not limited to those legal obliga-
17 tions emanating from the Endangered Species Act of 1973
18 (16 U.S.C. 1531, et seq.), the Water Pollution Control Act
19 (33 U.S.C. 1251, et seq., commonly known as the “Clean
20 Water Act” pursuant to the 1977 amendments, Public
21 Law 95–217), and the Porter-Cologne Water Quality Con-
22 trol Act (Cal. Water Code 13000, et seq.).

23 (b) TERMS AND CONDITIONS.—The terms and condi-
24 tions of any contract entered into under subsection (a)
25 shall—

1 (1) be for a term of not less than 10 years; and

2 (2) expressly provide that—

3 (A) the districts may use any water im-
4 pounded and stored in the New Melones Res-
5 ervoir for any legal purpose under California
6 law, including use within the boundaries of ei-
7 ther district, transfer to and reasonable and
8 beneficial use by a person or entity not located
9 within the boundaries of either district, and for
10 instream use in the Stanislaus River, the San
11 Joaquin River, or the Sacramento-San Joaquin
12 River Delta; and

13 (B) any water impounded and stored by ei-
14 ther district shall not be released or withdrawn
15 if the end of month September storage level for
16 New Melones Reservoir is projected to be equal
17 to or below 300,000 acre-feet, but in such event
18 the impounded and stored water shall be re-
19 tained in the New Melones Reservoir for use by
20 the districts in the following year, subject to the
21 same 300,000 acre-foot minimum storage re-
22 quirement, and without additional payment
23 being required.

24 (c) CONSERVATION ACCOUNT.—Any water im-
25 pounded and stored in the New Melones Reservoir by ei-

1 ther district under the contract shall not be considered or
2 accounted as water placed in the districts' conservation
3 account, as that account is defined and explained in the
4 August 30, 1988 Stipulation and Agreement entered into
5 by and between the Bureau of Reclamation and the dis-
6 tricts.

7 **SEC. 113. ADDITIONAL WARREN ACT CONTRACTS.**

8 (a)) IN GENERAL.—Not later than 30 days after the
9 date of the enactment of this Act, the Secretary of the
10 Interior shall develop and offer to the Calaveras County
11 Water District (hereafter in this section referred to as the
12 “CCWD”) a contract enabling the CCWD to impound and
13 store up to 100,000 acre-feet of their Stanislaus River
14 water rights in the New Melones Reservoir in accordance
15 with the terms and conditions of sections 1 through 3 of
16 the Act of February 21, 1911 (43 U.S.C. 523–525; com-
17 monly known as the “Warren Act”). This stored water
18 may be obtained for use by CCWD at a point, or points
19 determined convenient to the District.

20 (b) TERMS AND CONDITIONS.—The terms and condi-
21 tions of any contract entered into under subsection (a)
22 shall—

- 23 (1) be for a term of not less than 10 years; and
24 (2) expressly provide that—

1 (A) the CCWD may use any water im-
2 pounded and stored in the New Melones Res-
3 ervoir for any legal purpose under California
4 law, including use within the boundaries of the
5 CCWD, transfer to and reasonable and bene-
6 ficial use by a person or entity not located with-
7 in the boundaries of CCWD, and for instream
8 use in the Stanislaus River, the San Joaquin
9 River, or the Sacramento-San Joaquin River
10 Delta; and

11 (B) any water impounded and stored by ei-
12 ther district shall not be released or withdrawn
13 if the end of month September storage level for
14 New Melones Reservoir is projected to be equal
15 to or below 300,000 acre-feet, but in such event
16 the impounded and stored water shall be re-
17 tained in the New Melones Reservoir for use by
18 the districts in the following year, subject to the
19 same 300,000 acre-foot minimum storage re-
20 quirement, and without additional payment
21 being required.

22 **SEC. 114. PILOT PROGRAM TO PROTECT NATIVE ANAD-**
23 **ROMOUS FISH IN THE STANISLAUS RIVER.**

24 (a) ESTABLISHMENT OF NON-NATIVE PREDATOR
25 FISH REMOVAL PROGRAM.—The Commissioner and dis-

1 triets, in consultation with the National Marine Fisheries
2 Service, the United States Fish and Wildlife Service, and
3 the California Department of Fish and Wildlife, shall
4 jointly develop and conduct a pilot non-native predator
5 fish removal program to remove non-native striped bass,
6 smallmouth bass, largemouth bass, black bass, and other
7 non-native predator fishes from the Stanislaus River. The
8 pilot program shall—

9 (1) be scientifically based;

10 (2) include methods to quantify the number and
11 size of predator fishes removed each year, the im-
12 pact of such removal on the overall abundance of
13 predator fishes, and the impact of such removal on
14 the populations of juvenile anadromous fish found in
15 the Stanislaus River by, among other things, evalu-
16 ating the number of juvenile anadromous fish that
17 migrate past the rotary screw trap located at
18 Caswell;

19 (3) use wire fyke trapping, portable resistance
20 board weirs, and boat electrofishing, which are the
21 most effective predator collection techniques that
22 minimize affects to native anadromous fish;

23 (4) be developed, including the application for
24 all necessary scientific research and species enhance-
25 ment permits under section 10(a)(1) of the Endan-

1 gered Species Act of 1973 (16 U.S.C. 1539(a)(1)),
2 for the performance of the pilot program, not later
3 than 6 months after the date of the enactment of
4 this Act;

5 (5) be implemented on the first business day of
6 the calendar year following the issuance of all nec-
7 essary scientific research and species enhancement
8 permits needed to begin the pilot program; and

9 (6) be implemented for a period of seven con-
10 secutive calendar years.

11 (b) MANAGEMENT.—The management of the pilot
12 program shall be the joint responsibility of the Commis-
13 sioner and the districts. Such parties shall work collabo-
14 ratively to insure the performance of the pilot program,
15 and shall discuss and agree upon, among other things,
16 changes in the structure, management, personnel, tech-
17 niques, strategy, data collection, reporting and conduct of
18 the pilot program.

19 (c) CONDUCT.—

20 (1) IN GENERAL.—At the election of the dis-
21 tricts, the pilot program may be conducted by their
22 own personnel, qualified private contractors hired by
23 the districts, personnel of, on loan to, or otherwise
24 assigned to the Bureau of Reclamation, or a com-
25 bination thereof.

1 (2) PARTICIPATION BY THE BUREAU OF REC-
2 LAMATION.—In the event the districts elect to con-
3 duct the program using their own personnel or quali-
4 fied private contractors hired by them, the Commis-
5 sioner has the option to assign an employee of, on
6 loan to, or otherwise assigned to the Bureau of Rec-
7 lamation, to be present for all activities performed in
8 the field. Such presence shall insure compliance with
9 the agreed upon elements specified in subsection (b).
10 The districts shall pay 100 percent of the cost of
11 such participation as specified in subsection (d).

12 (3) TIMING OF ELECTION.—The districts shall
13 notify the Commissioner of their election on or be-
14 fore October 15 of each calendar year of the pilot
15 program, which election shall apply to the work per-
16 formed in the subsequent calendar year.

17 (d) FUNDING.—

18 (1) ANNUAL FUNDING.—The districts shall be
19 responsible for 100 percent of the cost of the pilot
20 program. On or before December 1 of each year of
21 the pilot program, the Commissioner shall submit to
22 the districts an estimate of the cost to be incurred
23 by the Bureau of Reclamation in the following cal-
24 endar year, if any, including the cost of any data
25 collection and posting under subsection (e). If an

1 amount equal to the estimate is not provided to the
2 reclamation fund identified in section 3 of the Act
3 of February 21, 1911 (43 U.S.C. 525), or any other
4 fund as directed by the Commissioner, by the dis-
5 tricts on or before December 31 of each year, (a) the
6 Bureau of Reclamation shall have no obligation to
7 conduct the pilot program activities otherwise sched-
8 uled, and (b) the districts shall be prohibited from
9 conducting any aspect of the pilot program, until full
10 payment is made by the districts.

11 (2) ACCOUNTING.—On or before September 1
12 of each calendar year, the Commissioner shall pro-
13 vide an accounting of the prior calendar year's ex-
14 penses to the districts. If the estimate paid by the
15 districts was less than the actual costs incurred by
16 the Bureau of Reclamation, the districts shall have
17 until September 30 of that calendar year to pay the
18 difference to the reclamation fund. If the estimate
19 paid by the districts was greater than the actual
20 costs incurred by the Bureau of Reclamation, then
21 a credit shall be provided to the districts, which shall
22 be deducted from the estimate payment the districts
23 must make for the work performed by the Bureau
24 of Reclamation, if any, in the next calendar year.

25 (e) REPORTING AND EVALUATION.—

1 (1) IN GENERAL.—On or before the 15th day
2 of each month, the Commissioner shall post on the
3 website of the Bureau of Reclamation a tabular
4 summary of the raw data collected in the prior
5 month. (2) REPORT.

6 (2) REPORT.—On or before June 30 of the cal-
7 endar year following the completion of the program,
8 the Commissioner and districts shall jointly publish
9 a peer reviewed report that—

10 (A) discusses the findings and conclusions
11 of the pilot program;

12 (B) synthesizes the data collected under
13 paragraph (1); and

14 (C) makes recommendations for further
15 study and action.

16 (f) PERMITS PROCESS.—

17 (1) Not later than 180 days after filing of an
18 application by the Commissioner and the districts,
19 the Secretary of the Interior, the Secretary of Com-
20 merce, or both, as appropriate, shall issue all nec-
21 essary scientific research and species enhancement
22 permits under section 10(a)(1) of the Endangered
23 Species Act (16 U.S.C. 153(9)(a)(1)), for the per-
24 formance of the pilot program.

1 (2) Any permit application that is not approved
2 by the Secretary of the Interior, Secretary of Com-
3 merce, or both, as appropriate, for any reason, with-
4 in 180 days after receiving the application, shall be
5 deemed approved.

6 (3) All permits issued shall be in the name of
7 the Bureau of Reclamation and the districts.

8 (4) Districts may delegate the authority to ad-
9 minister the permit authority to any qualified pri-
10 vate contractor retained in accordance with sub-
11 section (c).

12 (5) The pilot program, including amendments
13 thereto by the appropriate Federal and State agen-
14 cies, shall constitute a conservation plan that com-
15 plies with the requirements of section 10(a)(2) of
16 the Endangered Species Act of 1973 (16 U.S.C.
17 1539(a)(2)).

18 (g) NEPA.—Section 102(2)(C) of the National Envi-
19 ronmental Policy Act of 1969 (42 U.S.C. 4332(2)(C))
20 shall not apply with respect to section 402 and the
21 issuance of any permit under this subsection during the
22 seven year period beginning on the date of the implemen-
23 tation of the pilot program.

24 (h) RESTRICTIONS.—Any restriction imposed under
25 California law on the catch, take, or harvest of any non-

1 native or introduced aquatic or terrestrial species that
2 preys upon anadromous fish and that occupies or is found
3 in the Stanislaus River is hereby void and is preempted.

4 (i) DEFINITIONS.— For the purposes of this section:

5 (1) ANADROMOUS FISH.—

6 (A) The term “anadromous fish” as ap-
7 plied to the Stanislaus River and the operation
8 of New Melones—

9 (i) means those native stocks of salm-
10 on (including steelhead) that—

11 (I) as of October 30, 1992 were
12 present in and had not been extir-
13 pated from the Stanislaus River, and

14 (II) which ascend the Stanislaus
15 River to reproduce after maturing in
16 San Francisco Bay or the Pacific
17 Ocean; and

18 (ii) does not mean any stock, strain or
19 member of American shad, sockeye salmon,
20 or striped bass.

21 (B) The definition of anadromous fish pro-
22 vided in section 3403(a) of the Central Valley
23 Project Improvement Act (Public Law 102–
24 575) shall not apply to the operation of New

1 Melones Dam and Reservoir, or to any Federal
2 action in the Stanislaus River.

3 (2) COMMISSIONER.—The term “Commis-
4 sioner” means the Commissioner of the Bureau of
5 Reclamation.

6 (3) DISTRICTS.—The term “districts” means
7 the Oakdale Irrigation District and the South San
8 Joaquin Irrigation District.

9 (4) PILOT PROGRAM.—The term “program”
10 means the pilot non-native predator removal pro-
11 gram established under this section.

12 (j) SUNSET.—The authorities provided under this
13 section shall expire seven years after the implementation
14 of the pilot program.

15 **SEC. 115. SAN LUIS RESERVOIR.**

16 In connection with operations of the Central Valley
17 Project, California, if San Luis Reservoir does not fill by
18 the last day of February, the Secretary of the Interior
19 shall permit any entity with an agricultural water service
20 or repayment contract for the delivery of water from the
21 Delta Division or the San Luis Unit to reschedule into
22 the immediately following contract year (March 1 through
23 the last day of February) any unused Central Valley
24 Project water previously allocated for irrigation purposes.
25 If water remaining in federal storage in San Luis Res-

1 ervoir on the last day of February is insufficient to meet
2 all rescheduling requests, the Secretary shall apportion,
3 based on contract quantity, among all such contractors
4 that request to reschedule water all water remaining in
5 San Luis Reservoir on the last day of February. The Sec-
6 retary shall thereafter make all reasonable efforts to make
7 available additional rescheduled water; provided that such
8 efforts shall not interfere with the Central Valley Project
9 operations in the contract year into which Central Valley
10 Project has been rescheduled.

11 **TITLE II—SAN JOAQUIN RIVER**
12 **RESTORATION**

13 **SEC. 201. REPEAL OF THE SAN JOAQUIN RIVER SETTLE-**
14 **MENT.**

15 As of the date of enactment of this title, the Secretary
16 shall cease any action to implement the Stipulation of Set-
17 tlement (Natural Resources Defense Council, et al. v. Kirk
18 Rodgers, et al., Eastern District of California, No. Civ.
19 S–88–1658 LKK/GGH).

20 **SEC. 202. PURPOSE.**

21 Section 10002 of the San Joaquin River Restoration
22 Settlement Act (Public Law 111–11) is amended by strik-
23 ing “implementation of the Settlement” and inserting
24 “restoration of the San Joaquin River”.

1 **SEC. 203. DEFINITIONS.**

2 Section 10003 of the San Joaquin River Restoration
3 Settlement Act (Public Law 111–11) is amended—

4 (1) by striking paragraph (1) and inserting the
5 following:

6 “(1) The term ‘Restoration Flows’ means the
7 additional water released or bypassed from Friant
8 Dam to insure that the target flow entering
9 Mendota Pool, located approximately 62 river miles
10 downstream from Friant Dam, does not fall below
11 50 cubic feet per second.”;

12 (2) by striking paragraph (3) and inserting the
13 following:

14 “(3) The term ‘Water Year’ means March 1
15 through the last day of February of the following
16 Calendar Year, both dates inclusive.”; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(4) The term ‘Critical Water Year’ means
20 when the total unimpaired runoff at Friant Dam is
21 less than 400,000 acre-feet, as forecasted as of
22 March 1 of that water year by the California De-
23 partment of Water Resources.”.

24 **SEC. 204. IMPLEMENTATION OF RESTORATION.**

25 Section 10004 of the San Joaquin River Restoration
26 Settlement Act (Public Law 111–11) is amended—

1 (1) in subsection (a)—

2 (A) in the matter preceding paragraph (1),
3 by striking “authorized and directed” and all
4 that follows through “in the Settlement:” and
5 inserting “authorized to carry out the fol-
6 lowing:”;

7 (B) by striking paragraphs (1), (2), (4),
8 and (5);

9 (C) in paragraph (3)—

10 (i) by striking “(3)” and inserting
11 “(1)”; and

12 (ii) by striking “paragraph 13 of the
13 Settlement” and inserting “this part”; and

14 (D) by adding at the end the following new
15 paragraphs:

16 “(2) In each Water Year, commencing in the
17 Water Year starting on March 1, 2015—

18 “(A) shall modify Friant Dam operations
19 so as to release the Restoration Flows for that
20 Water Year, except in any Critical Water Year;

21 “(B) shall ensure that the release of Res-
22 toration Flows are maintained at the level pre-
23 scribed by this part, but that Restoration Flows
24 do not reach downstream of Mendota Pool;

1 “(C) shall release the Restoration Flows in
2 a manner that improves the fishery in the San
3 Joaquin River below Friant Dam, but upstream
4 of Gravelly Ford in existence as of the date of
5 the enactment of this part, and the associated
6 riparian habitat; and

7 “(D) may, without limiting the actions re-
8 quired under paragraphs (A) and (C) and sub-
9 ject to subsections 10004(a)(3) and 10004(l),
10 use the Restoration Flows to enhance or restore
11 a warm water fishery downstream of Gravelly
12 Ford to and including Mendota Pool, if the Sec-
13 retary determines that it is reasonable, prudent,
14 and feasible to do so; and

15 “(3) Not later than 1 year after the date of the
16 enactment of this section, the Secretary shall develop
17 and implement, in cooperation with the State of
18 California, a reasonable plan, to fully recirculate, re-
19 capture, reuse, exchange, or transfer all Restoration
20 Flows and provide such recirculated, recaptured, re-
21 used, exchanged, or transferred flows to those con-
22 tractors within the Friant Division, Hidden Unit,
23 and Buchanan Unit of the Central Valley Project
24 that relinquished the Restoration Flows so recir-
25 culated, recaptured, reused, exchanged, or trans-

1 ferred. Such a plan shall address any impact on
2 ground water resources within the service area of
3 the Friant Division, Hidden Unit, and Buchanan
4 Unit of the Central Valley Project and mitigation
5 may include ground water banking and recharge
6 projects. Such a plan shall not impact the water
7 supply or water rights of any entity outside the
8 Friant Division, Hidden unit, and Buchanan Unit of
9 the Central Valley Project. Such a plan shall be sub-
10 ject to applicable provisions of California water law
11 and the Secretary’s use of Central Valley Project fa-
12 cilities to make Project water (other than water re-
13 leased from Friant Dam pursuant to this part) and
14 water acquired through transfers available to exist-
15 ing south-of-Delta Central Valley Project contrac-
16 tors.”;

17 (2) in subsection (b)—

18 (A) in paragraph (1), by striking “the Set-
19 tlement” and inserting “this part”; and

20 (B) in paragraph (2), by striking “the Set-
21 tlement” and inserting “this part”;

22 (3) in subsection (c), by striking “the Settle-
23 ment” and inserting “this part”;

24 (4) by striking subsection (d) and inserting the
25 following:

1 “(d) MITIGATION OF IMPACTS.—Prior to October 1,
2 2015, the Secretary shall identify—

3 “(1) the impacts associated with the release of
4 Restoration Flows prescribed in this part;

5 “(2) the measures which shall be implemented
6 to mitigate impacts on adjacent and downstream
7 water users, landowners and agencies as a result of
8 Restoration Flows prescribed in this part; and

9 “(3) prior to the implementation of decisions or
10 agreements to construct, improve, operate, or main-
11 tain facilities that the Secretary determines are
12 needed to implement this part, the Secretary shall
13 implement all mitigations measures identified in sub-
14 section (d)(2) before Restoration Flows are com-
15 menced.”;

16 (5) in subsection (e), by striking “the Settle-
17 ment” and inserting “this part”;

18 (6) in subsection (f), by striking “the Settle-
19 ment” and all that follows through “section 10011”
20 and insert “this part”;

21 (7) in subsection (g)—

22 (A) by striking “the Settlement and” be-
23 fore this part; and

1 (B) by striking “or exchange contract” and
2 inserting “exchange contract, or water rights
3 settlement or holding contracts”;

4 (8) in subsection (h)—

5 (A) by striking “INTERIM” in the header;

6 (B) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “Interim Flows
9 under the Settlement” and inserting “Res-
10 toration Flows under this part”;

11 (ii) in subparagraph (C)—

12 (I) in clause (i), by striking “In-
13 terim” and inserting “Restoration”;
14 and

15 (II) in clause (ii), by inserting
16 “and” after the semicolon;

17 (iii) in subparagraph (D), by striking
18 “and” at the end; and

19 (iv) by striking subparagraph (E);

20 (C) in paragraph (2)—

21 (i) by striking “Interim” and insert-
22 ing “Restoration”;

23 (ii) by striking subparagraph (A); and

24 (iii) by striking “(B) exceed” and in-
25 serting “exceed”;

1 (D) in paragraph (3), by striking “In-
2 terim” and inserting “Restoration”; and

3 (E) by striking paragraph (4) and insert-
4 ing the following:

5 “(4) CLAIMS.—Within 60 days of enactment of
6 this Act the Secretary shall promulgate a rule estab-
7 lishing a claims process to address current and fu-
8 ture claims including, but not limited to, ground
9 water seepage, flooding, or levee instability damages
10 caused as a result of, arising out of, or related to
11 implementation of subtitle A of title X of Public
12 Law 111–11.”;

13 (9) in subsection (i)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “the Settlement and
17 parts I and III” and inserting “this part”;

18 (ii) in subparagraph (A), by inserting
19 “and” after the semicolon;

20 (iii) in subparagraph (B)—

21 (I) by striking “additional
22 amounts authorized to be appro-
23 priated, including the”; and

24 (II) by striking “; and” and in-
25 serting a period; and

1 (iv) by striking subparagraph (C); and
2 (B) by striking paragraph (3); and
3 (10) by adding at the end the following new
4 subsections:

5 “(k) NO IMPACTS ON OTHER INTERESTS.—No Cen-
6 tral Valley Project or other water other than San Joaquin
7 River water impounded by or bypassed from Friant Dam
8 shall be used to implement subsection (a)(2) unless such
9 use is on a voluntary basis. No cost associated with the
10 implementation of this section shall be imposed directly
11 or indirectly on any Central Valley Project contractor, or
12 any other person or entity, outside the Friant Division,
13 the Hidden Unit, or the Buchanan Unit, unless such costs
14 are incurred on a voluntary basis. The implementation of
15 this part shall not result directly or indirectly in any re-
16 duction in water supplies or water reliability on any Cen-
17 tral Valley Project contractor, any State Water Project
18 contractor, or any other person or entity, outside the
19 Friant Division, the Hidden Unit, or the Buchanan Unit,
20 unless such reductions or costs are incurred on a voluntary
21 basis.

22 “(l) PRIORITY.—All actions taken under this part
23 shall be subordinate to the Secretary’s use of Central Val-
24 ley Project facilities to make Project water available to

1 Project contractors, other than water released from the
2 Friant Dam pursuant to this part.

3 “(m) IN GENERAL.—Notwithstanding section 8 of
4 the Reclamation Act of 1902, except as provided in this
5 part, including title IV of the Sacramento and San Joa-
6 quin Valleys Water Reliability Act, this part preempts and
7 supersedes any State law, regulation, or requirement that
8 imposes more restrictive requirements or regulations on
9 the activities authorized under this part. Nothing in this
10 part shall alter or modify the obligations, if any, of the
11 Friant Division, Hidden Unit, and Buchanan Unit of the
12 Central Valley Project, or other water users on the San
13 Joaquin River or its tributaries, under orders issued by
14 the State Water Resources Control Board pursuant to the
15 Porter-Cologne Water Quality Control Act (California
16 Water Code sections 13000 et seq.). Any such order shall
17 be consistent with the congressional authorization for any
18 affected Federal facility as it pertains to the Central Val-
19 ley Project.

20 “(n) PROJECT IMPLEMENTATION.—Projects to im-
21 plement this title shall be phased such that each project
22 shall follow the sequencing identified below and include at
23 least the—

24 “(1) project purpose and need;

25 “(2) identification of mitigation measures;

1 “(3) appropriate environmental review; and
2 “(4) prior to releasing Restoration Flows under
3 this part, the Secretary shall—
4 “(A) complete the implementation of miti-
5 gation measures required; and
6 “(B) complete implementation of the
7 project.”.

8 **SEC. 205. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.**

9 Section 10005 of the San Joaquin River Restoration
10 Settlement Act (Public Law 111–11) is amended—

11 (1) in subsection (a), by striking “the Settle-
12 ment authorized by this part” and inserting “this
13 part”;

14 (2) in subsection (b)—

15 (A) in paragraph (1)—

16 (i) by striking “(1) IN GENERAL.—
17 The Secretary” and inserting “The Sec-
18 retary”; and

19 (ii) by striking “the Settlement au-
20 thorized by this part” and inserting “this
21 part”; and

22 (B) by striking paragraph (2); and

23 (3) in subsection (c)—

24 (A) in paragraph (1), by striking “the Set-
25 tlement” and inserting “this part”;

1 (B) in paragraph (2)—

2 (i) by striking “through the exercise
3 of its eminent domain authority”; and

4 (ii) by striking “the Settlement” and
5 inserting “this part”; and

6 (C) in paragraph (3), by striking “section
7 10009(c)” and inserting “section 10009”.

8 **SEC. 206. COMPLIANCE WITH APPLICABLE LAW.**

9 Section 10006 of the San Joaquin River Restoration
10 Settlement Act (Public Law 111–11) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by inserting “unless
13 otherwise provided by this part” before the pe-
14 riod at the end; and

15 (B) in paragraph (2), by striking “the Set-
16 tlement” and inserting “this part”;

17 (2) in subsection (b), by inserting “, unless oth-
18 erwise provided by this part” before the period at
19 the end;

20 (3) in subsection (c)—

21 (A) in paragraph (2), by striking “section
22 10004” and inserting “this part”; and

23 (B) in paragraph (3), by striking “the Set-
24 tlement” and inserting “this part”; and

25 (4) in subsection (d)—

1 (A) by inserting “, including without limi-
2 tation to sections 10004(d) and 10004(h)(4) of
3 this part,” after “implementing this part”; and

4 (B) by striking “for implementation of the
5 Settlement”.

6 **SEC. 207. COMPLIANCE WITH CENTRAL VALLEY PROJECT**
7 **IMPROVEMENT ACT.**

8 Section 10007 of the San Joaquin River Restoration
9 Settlement Act (Public Law 111–11) is amended—

10 (1) in the matter preceding paragraph (1),

11 (A) by striking “the Settlement” and in-
12 serting “enactment of this part”; and

13 (B) by inserting: “and the obligations of
14 the Secretary and all other parties to protect
15 and keep in good condition any fish that may
16 be planted or exist below Friant Dam including
17 any obligations under section 5937 of the Cali-
18 fornia Fish and Game Code and the public
19 trust doctrine, and those of the Secretary and
20 all other parties under the Endangered Species
21 Act of 1973 (16 U.S.C. 1531 et seq.)” before
22 “, provided”; and

23 (2) in paragraph (1), by striking “, as provided
24 in the Settlement”.

1 **SEC. 208. NO PRIVATE RIGHT OF ACTION.**

2 Section 10008(a) of the San Joaquin River Restora-
3 tion Settlement Act (Public Law 111–11) is amended—

4 (1) by striking “not a party to the Settlement”
5 after “person or entity”; and

6 (2) by striking “or the Settlement” before the
7 period and inserting “unless otherwise provided by
8 this part. Any Central Valley Project long-term
9 water service or repayment contractor within the
10 Friant Division, Hidden unit, or Buchanan Unit ad-
11 versely affected by the Secretary’s failure to comply
12 with section 10004(a)(3) of this part may bring an
13 action against the Secretary for injunctive relief or
14 damages, or both.”.

15 **SEC. 209. IMPLEMENTATION.**

16 Section 10009 of the San Joaquin River Restoration
17 Settlement Act (Public Law 111–11) is amended—

18 (1) in the header by striking “; **SETTLEMENT**
19 **FUND**”;

20 (2) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by striking “the Settlement” the
23 first place it appears and inserting “this
24 part”;

1 (ii) by striking “, estimated to total”
2 and all that follows through “subsection
3 (b)(1),”; and

4 (iii) by striking “provided however,”
5 and all that follows through
6 “\$110,000,000 of State funds”;

7 (B) in paragraph (2)—

8 (i) in subparagraph (A), by striking
9 “(A) IN GENERAL.—The Secretary” and
10 inserting “The Secretary”;

11 (ii) by striking subparagraph (B); and
12 (C) in paragraph (3)—

13 (i) by striking “Except as provided in
14 the Settlement, to” and inserting “To”;
15 and

16 (ii) by striking “this Settlement” and
17 inserting “this part”;

18 (3) in subsection (b)(1)—

19 (A) by striking “In addition” through
20 “however, that the” and inserting “The”;

21 (B) by striking “such additional appropria-
22 tions only in amounts equal to”; and

23 (C) by striking “or the Settlement” before
24 the period;

25 (4) in subsection (c)—

- 1 (A) in paragraph (1)—
- 2 (i) in the matter preceding subpara-
- 3 graph (A), by striking “the Settlement”
- 4 and inserting “this part”;
- 5 (ii) in subparagraph (C), by striking
- 6 “from the sale of water pursuant to the
- 7 Settlement, or”; and
- 8 (iii) in subparagraph (D), by striking
- 9 “the Settlement” and inserting “this
- 10 part”;
- 11 (B) in paragraph (2), by striking “the Set-
- 12 tlement and” before “this part”; and
- 13 (5) by striking subsections (d) through (f).

14 **SEC. 210. REPAYMENT CONTRACTS AND ACCELERATION OF**

15 **REPAYMENT OF CONSTRUCTION COSTS.**

16 Section 10010 of the San Joaquin River Restoration

17 Settlement Act (Public Law 111–11) is amended—

- 18 (1) in subsection (a)—
- 19 (A) in paragraph (3)(D), by striking “the
- 20 Settlement and” before “this part”; and
- 21 (B) in paragraph (4)(C), by striking “the
- 22 Settlement and” before “this part”;
- 23 (2) in subsection (c), by striking paragraph (3);

1 (3) in subsection (d)(1), by striking “the Settle-
2 ment” in both places it appears and inserting “this
3 part”;

4 (4) in subsection (e)—

5 (A) in paragraph (1)—

6 (i) by striking “Interim Flows or Res-
7 toration Flows, pursuant to paragraphs 13
8 or 15 of the Settlement” and inserting
9 “Restoration Flows, pursuant to this
10 part”;

11 (ii) by striking “Interim Flows or” be-
12 fore “Restoration Flows”; and

13 (iii) by striking “the Interim Flows or
14 Restoration Flows or is intended to other-
15 wise facilitate the Water Management
16 Goal, as described in the Settlement” and
17 inserting “Restoration Flows”; and

18 (B) in paragraph (2)—

19 (i) by striking “except as provided in
20 paragraph 16(b) of the Settlement” after
21 “Friant Division long-term contractor”;
22 and

23 (ii) by striking “the Interim Flows or
24 Restoration Flows or to facilitate the

1 Water Management Goal” and inserting
2 “Restoration Flows”.

3 **SEC. 211. REPEAL.**

4 Section 10011 of the San Joaquin River Restoration
5 Settlement Act (Public Law 111–11) is repealed.

6 **SEC. 212. WATER SUPPLY MITIGATION.**

7 Section 10202(b) of the San Joaquin River Restora-
8 tion Settlement Act (Public Law 111–11) is amended—

9 (1) in paragraph (1), by striking “the Interim
10 or Restoration Flows authorized in part I of this
11 subtitle” and inserting “Restoration Flows author-
12 ized in this part”;

13 (2) in paragraph (2), by striking “the Interim
14 or Restoration Flows authorized in part I of this
15 subtitle” and inserting “Restoration Flows author-
16 ized in this part”; and

17 (3) in paragraph (3)—

18 (A) in subparagraph (A), by striking
19 “meet the Restoration Goal as described in part
20 I of this subtitle” and inserting “recover Res-
21 toration Flows as described in this part”;

22 (B) in subparagraph (C)—

23 (i) by striking “the Interim or Res-
24 toration Flows authorized in part I of this

1 subtitle” and inserting “Restoration Flows
2 authorized in this part”; and

3 (ii) by striking “, and for ensuring ap-
4 appropriate adjustment in the recovered
5 water account pursuant to section
6 10004(a)(5)”.

7 **SEC. 213. ADDITIONAL AUTHORITIES.**

8 Section 10203 of the San Joaquin River Restoration
9 Settlement Act (Public Law 111–11) is amended—

10 (1) in subsection (b)—

11 (A) by striking “section 10004(a)(4)” and
12 inserting “section 10004(a)(3)”; and

13 (B) by striking “, provided” and all that
14 follows through “section 10009(f)(2)”; and

15 (2) by striking subsection (c).

16 **TITLE III—REPAYMENT CON-**
17 **TRACTS AND ACCELERATION**
18 **OF REPAYMENT OF CON-**
19 **STRUCTION COSTS**

20 **SEC. 301. REPAYMENT CONTRACTS AND ACCELERATION OF**
21 **REPAYMENT OF CONSTRUCTION COSTS.**

22 (a) **CONVERSION OF CONTRACTS.—**

23 (1) Not later than 1 year after enactment, the
24 Secretary of the Interior, upon request of the con-
25 tractor, shall convert all existing long-term Central

1 Valley Project contracts entered under subsection (e)
2 of section 9 of the Act of August 4, 1939 (53 Stat.
3 1196), to a contract under subsection (d) of section
4 9 of said Act (53 Stat. 1195), under mutually agree-
5 able terms and conditions.

6 (2) Upon request of the contractor, the Sec-
7 retary is further authorized to convert, not later
8 than 1 year after enactment, any Central Valley
9 Project long-term contract entered under subsection
10 (c)(2) of section 9 of the Act of August 4, 1939 (53
11 Stat. 1194), to a contract under subsection (c)(1) of
12 section 9 of said Act, under mutually agreeable
13 terms and conditions.

14 (3) All contracts entered into pursuant to para-
15 graph (1) shall—

16 (A) require the repayment, either in lump
17 sum or by accelerated prepayment, of the re-
18 maining amount of construction costs identified
19 in the most current version of the Central Val-
20 ley Project Schedule of Irrigation Capital Allo-
21 cations by Contractor, as adjusted to reflect
22 payments not reflected in such schedule, and
23 properly assignable for ultimate return by the
24 contractor, no later than January 31, 2015, or
25 if made in approximately equal annual install-

1 ments, no later than January 31, 2018; such
2 amount to be discounted by the Treasury Rate.
3 An estimate of the remaining amount of con-
4 struction costs as of January 31, 2015, as ad-
5 justed, shall be provided by the Secretary of the
6 Interior to each contractor no later than 180
7 days after enactment;

8 (B) require that, notwithstanding sub-
9 section (c)(2), construction costs or other cap-
10 italized costs incurred after the effective date of
11 the converted contract or not reflected in the
12 schedule referenced in subparagraph (A), and
13 properly assignable to such contractor, shall be
14 repaid in not more than 5 years after notifica-
15 tion of the allocation if such amount is a result
16 of a collective annual allocation of capital costs
17 to the contractors exercising contract conver-
18 sions under this subsection of less than
19 \$5,000,000. If such amount is \$5,000,000 or
20 greater, such cost shall be repaid as provided by
21 applicable reclamation law, provided that the
22 reference to the amount of \$5,000,000 shall not
23 be a precedent in any other context; and

1 (C) provide that power revenues will not be
2 available to aid in repayment of construction
3 costs allocated to irrigation under the contract.

4 (4) All contracts entered into pursuant to para-
5 graph (2) shall—

6 (A) require the repayment in lump sum of
7 the remaining amount of construction costs
8 identified in the most current version of the
9 Central Valley Project Schedule of Municipal
10 and Industrial Water Rates, as adjusted to re-
11 flect payments not reflected in such schedule,
12 and properly assignable for ultimate return by
13 the contractor, no later than January 31, 2018.
14 An estimate of the remaining amount of con-
15 struction costs as of January 31, 2018, as ad-
16 justed, shall be provided by the Secretary of the
17 Interior to each contractor no later than 180
18 days after enactment; and

19 (B) require that, notwithstanding sub-
20 section (c)(2), construction costs or other cap-
21 italized costs incurred after the effective date of
22 the contract or not reflected in the schedule ref-
23 erenced in subparagraph (A), and properly as-
24 signable to such contractor, shall be repaid in
25 not more than 5 years after notification of the

1 allocation if such amount is a result of a collec-
2 tive annual allocation of capital costs to the
3 contractors exercising contract conversions
4 under this subsection of less than \$5,000,000.
5 If such amount is \$5,000,000 or greater, such
6 cost shall be repaid as provided by applicable
7 reclamation law, provided that the reference to
8 the amount of \$5,000,000 shall not be a prece-
9 dent in any other context.

10 (b) FINAL ADJUSTMENT.—The amounts paid pursu-
11 ant to subsection (a) shall be subject to adjustment fol-
12 lowing a final cost allocation by the Secretary of the Inte-
13 rior upon completion of the construction of the Central
14 Valley Project. In the event that the final cost allocation
15 indicates that the costs properly assignable to the con-
16 tractor are greater than what has been paid by the con-
17 tractor, the contractor shall be obligated to pay the re-
18 maining allocated costs. The term of such additional re-
19 payment contract shall be no less than 1 year and no more
20 than 10 years, however, mutually agreeable provisions re-
21 garding the rate of repayment of such amount may be de-
22 veloped by the parties. In the event that the final cost allo-
23 cation indicates that the costs properly assignable to the
24 contractor are less than what the contractor has paid, the
25 Secretary of the Interior is authorized and directed to

1 credit such overpayment as an offset against any out-
2 standing or future obligation of the contractor.

3 (c) APPLICABILITY OF CERTAIN PROVISIONS.—

4 (1) Notwithstanding any repayment obligation
5 under subsection (a)(3)(B) or subsection (b), upon a
6 contractor's compliance with and discharge of the
7 obligation of repayment of the construction costs as
8 provided in subsection (a)(3)(A), the ownership and
9 full-cost pricing limitations of any provision of Fed-
10 eral reclamation law shall not apply to lands in such
11 district.

12 (2) Notwithstanding any repayment obligation
13 under paragraph (3)(B) or paragraph (4)(B) of sub-
14 section (a), or subsection (b), upon a contractor's
15 compliance with and discharge of the obligation of
16 repayment of the construction costs as provided in
17 paragraphs (3)(A) and (4)(A) of subsection (a), such
18 contractor shall continue to pay applicable operation
19 and maintenance costs and other charges applicable
20 to such repayment contracts pursuant to the then-
21 current rate-setting policy and applicable law.

22 (d) CERTAIN REPAYMENT OBLIGATIONS NOT AL-
23 TERED.—Implementation of the provisions of this section
24 shall not alter the repayment obligation of any other long-
25 term water service or repayment contractor receiving

1 water from the Central Valley Project, or shift any costs
2 that would otherwise have been properly assignable to any
3 contractors absent this section, including operations and
4 maintenance costs, construction costs, or other capitalized
5 costs incurred after the date of enactment of this Act, to
6 other such contractors.

7 (e) STATUTORY INTERPRETATION.—Nothing in this
8 part shall be construed to affect the right of any long-
9 term contractor to use a particular type of financing to
10 make the payments required in paragraph (3)(A) or para-
11 graph (4)(A) of subsection (a).

12 (f) DEFINITION OF TREASURY RATE.—For purposes
13 of this section, “Treasury Rate” shall be defined as the
14 20-year Constant Maturity Treasury rate published by the
15 United States Department of the Treasury as of October
16 1, 2014.

17 **TITLE IV—BAY-DELTA WATER-**
18 **SHED WATER RIGHTS PRES-**
19 **ERVATION AND PROTECTION**

20 **SEC. 401. WATER RIGHTS AND AREA-OF-ORIGIN PROTEC-**
21 **TIONS.**

22 Notwithstanding the provisions of this Act, Federal
23 reclamation law, or the Endangered Species Act of 1973
24 (16 U.S.C. 1531 et seq.)—

1 (1) the Secretary of the Interior (“Secretary”)
2 is directed, in the operation of the Central Valley
3 Project, to strictly adhere to State water rights law
4 governing water rights priorities by honoring water
5 rights senior to those belonging to the Central Valley
6 Project, regardless of the source of priority;

7 (2) the Secretary is directed, in the operation of
8 the Central Valley Project, to strictly adhere to and
9 honor water rights and other priorities that are ob-
10 tained or exist pursuant to the provisions of Cali-
11 fornia Water Code sections 10505, 10505:5, 11128,
12 11460, and 11463; and sections 12200 to 12220, in-
13 clusive; and

14 (3) any action that affects the diversion of
15 water or involves the release of water from any Cen-
16 tral Valley Project water storage facility taken by
17 the Secretary or the Secretary of the Department of
18 Commerce to conserve, enhance, recover, or other-
19 wise protect any species listed under the Endangered
20 Species Act of 1973 (16 U.S.C. 1531 et seq.) shall
21 be applied in a manner that is consistent with water
22 right priorities established by State law.

23 **SEC. 402. SACRAMENTO RIVER SETTLEMENT CONTRACTS.**

24 In the implementation of the Endangered Species Act
25 of 1973 (16 U.S.C. 1531 et seq.), in the Bay-Delta and

1 on the Sacramento River, the Secretary and the Secretary
2 of Commerce are directed to apply any limitations on the
3 operation of the Central Valley Project or to formulate any
4 “reasonable prudent alternative” associated with the oper-
5 ation of the Central Valley Project in a manner that strict-
6 ly adheres to and applies the water rights priorities for
7 “Project Water” and “Base Supply” provided for in the
8 Sacramento River Settlement Contracts. Article 3(i) of the
9 Sacramento River Settlement Contracts shall not be uti-
10 lized by the United States as means to provide shortages
11 to the Sacramento River Settlement Contracts that are
12 different than those provided for in Article 5(a) of those
13 contracts.

14 **SEC. 403. SACRAMENTO RIVER WATERSHED WATER SERV-**
15 **ICE CONTRACTORS.**

16 (a) IN GENERAL.—Subject to subsection (b) and the
17 absolute priority of the Sacramento River Settlement Con-
18 tractors to Sacramento River supplies over Central Valley
19 Project diversions and deliveries to other contractors, the
20 Secretary is directed, in the operation of the Central Val-
21 ley Project, to allocate water provided for irrigation pur-
22 poses to existing Central Valley Project agricultural water
23 service contractors within the Sacramento River Water-
24 shed in compliance with the following:

1 (1) Not less than 100% of their contract quan-
2 tities in a “Wet” year.

3 (2) Not less than 100% of their contract quan-
4 tities in an “Above Normal” year.

5 (3) Not less than 100% of their contract quan-
6 tities in a “Below Normal” year.

7 (4) Not less than 75% of their contract quan-
8 tities in a “Dry” year.

9 (5) Not less than 50% of their contract quan-
10 tities in a “Critically Dry” year.

11 (b) PROTECTION OF MUNICIPAL AND INDUSTRIAL

12 SUPPLIES.—Nothing in subsection (a) shall be deemed to

13 (i) modify any provision of a water service contract that

14 addresses municipal and industrial water shortage policies

15 of the Secretary, (ii) affect or limit the authority of the

16 Secretary to adopt or modify municipal and industrial

17 water shortage policies, (iii) affect or limit the authority

18 of the Secretary to implement municipal and industrial

19 water shortage policies, or (iv) affect allocations to Central

20 Valley Project municipal and industrial contractors pursu-

21 ant to such policies. Neither subsection (a) nor the Sec-

22 retary’s implementation of subsection (a) shall constrain,

23 govern or affect, directly or indirectly, the operations of

24 the Central Valley Project’s American River Division or

25 any deliveries from that Division, its units or its facilities.

1 (c) DEFINITIONS.—In this section:

2 (1) The term “existing Central Valley Project
3 agricultural water service contractors within the
4 Sacramento River Watershed” means water service
5 contractors within the Shasta, Trinity, and Sac-
6 ramento River Divisions of the Central Valley
7 Project, that have a water service contract in effect,
8 on the date of the enactment of this section, that
9 provides water for irrigation.

10 (2) The year type terms used in subsection (a)
11 have the meaning given those year types in the Sac-
12 ramento Valley Water Year Type (40–30–30) Index.

13 **SEC. 404. NO REDIRECTED ADVERSE IMPACTS.**

14 The Secretary shall insure that there are no redi-
15 rected adverse water supply or fiscal impacts to those
16 within the Sacramento River or San Joaquin River water-
17 shed or to the State Water Project arising from the Sec-
18 retary’s operation of the Central Valley Project to meet
19 legal obligations imposed by or through any State or Fed-
20 eral agency, including, but not limited to those legal obli-
21 gations emanating from the Endangered Species Act of
22 1973 (16 U.S.C. 1531 et seq.) or this Act, or actions or
23 activities implemented to meet the twin goals of improving
24 water supply or addressing environmental needs of the
25 Bay Delta.

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 501. PRECEDENT.**

3 Congress finds and declares that—

4 (1) coordinated operations between the Central
5 Valley Project and the State Water Project, pre-
6 viously requested and consented to by the State of
7 California and the Federal Government, require as-
8 sertion of Federal supremacy to protect existing
9 water rights throughout the system; and

10 (2) these circumstances are unique to Cali-
11 fornia.

12 Therefore, nothing in this Act shall serve as precedent in
13 any other State.

14 **SEC. 502. NO EFFECT ON PROCLAMATION OF STATE OF**
15 **EMERGENCY.**

16 Nothing in this Act shall affect in any way the Proc-
17 lamation of State of Emergency and associated Executive
18 Order issued by Governor Edmund G. Brown, Jr. on Jan-
19 uary 17, 2014, or the authorities granted thereby, includ-
20 ing without limitation the authority of the California State
21 Water Resources Control Board to modify any standards
22 or operational constraints adopted to implement the
23 “Principles for on the Bay-Delta Standards Between the
24 State of California and the Federal Government”, dated
25 December 15, 1994, so as to make additional irrigation

1 and municipal and industrial water supplies available in
2 the Central Valley Project and State Water Project service
3 areas during the state of emergency.

4 **SEC. 503. WILD AND SCENIC RIVERS ACT.**

5 (a) WILD AND SCENIC RIVERS ACT.—Section
6 3(a)(62)(B)(i) of the Wild and Scenic Rivers Act (16
7 U.S.C. 1274(a)(62)(B)(i)) is amended—

8 (1) by striking “the normal maximum” the first
9 place that it appears and all that follows through
10 “April, 1990.” and inserting the following: “the
11 boundary of FERC Project No. 2179 as it existed
12 on February 15, 2013, consisting of a point approxi-
13 mately 2,480 feet downstream of the confluence with
14 the North Fork of the Merced River, consisting of
15 approximately 7.4 miles.”; and

16 (2) by striking “the normal maximum operating
17 pool water surface level of Lake McClure” the sec-
18 ond place that it appears and inserting “the bound-
19 ary of FERC Project No. 2179 as it existed on Feb-
20 ruary 15, 2013, consisting of a point approximately
21 2,480 feet downstream of the confluence with the
22 North Fork of the Merced River”.

- 1 (b) EXCHEQUER PROJECT.—Section 3 of Public Law
- 2 102–432 is amended by striking “Act” and all that follows
- 3 through the period and inserting “Act.”.

