BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607 Office of the Secretary: (510) 287-0440

AGENDA
Tuesday, September 8, 2015

REGULAR CLOSED SESSION
11:00 a.m., Board Room

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): one matter.

2. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.

(The Board will hold Closed Session in Conference Room 8A/B)

REGULAR BUSINESS MEETING
1:15 p.m., Board Room

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

CONSENT CALENDAR: (Single motion and vote approving 5 recommendations.)

1. Approve the Regular Meeting Minutes of August 11, 2015.

2. File correspondence with the Board.

CONSENT CALENDAR: (Continued)

3. Authorize an agreement beginning on or after October 1, 2015 with SN Sands Corp. dba S & S Trucking in an amount not to exceed $275,420 annually for hauling and disposal of wastewater treatment residuals (grit, screenings, and skimmings) for three years with two options to renew for an additional one-year period to include annual CPI increases for a total cost of $1,514,810 under RFQ 1521.

4. Authorize an agreement beginning on or after September 9, 2015, with Pacific Water Resources in an amount not to exceed $90,000, after the addition of taxes, for the repair of the Clay Station Raw Water Pumping Plant Unit 3 pump.

5. Authorize an amendment to an agreement with the Schnur Consulting Group in the amount of $75,000 increasing the total amount of the agreement to $196,800, for services related to implementation of District values and organizational improvements strategies beginning September 8, 2015.

DETERMINATION AND DISCUSSION:

6. Legislative Update:
   - Receive Legislative Report No. 09-15 and receive information on the following bills: SB 188 (Hancock) Municipal Utility District: Utility Charges: Delinquencies; AB 142 (Bigelow) Wild and Scenic Rivers: Mokelumne River; SB 20 (Pavley) California Water Resiliency Investment Act; and consider positions on the following bills: S. 1837 (Boxer) Drought Recovery and Resilience Act of 2015; and S. 1894 (Feinstein, Boxer) California Emergency Drought Relief Act of 2015.
   - Update on Legislative Issues of Interest to EBMUD

7. General Manager's Report:
   - 2015 Critical Drought Action Plan Update
   - Monthly Report – August 2015

REPORTS AND DIRECTOR COMMENTS:

8. Committee Reports:
   - Planning
   - Legislative/Human Resources

9. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 22, 2015 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours.

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BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Monday, September 7	**Labor Day Holiday**		***District Offices Closed***
Tuesday, September 8	**Planning Committee** McIntosh {Chair}, Linney, Young	9:15 a.m. Training Resource Center	• Update on San Francisco Bay Nutrient Efforts • Main Wastewater Treatment Plant Odor Mitigation Update
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	**10:00 a.m.** Training Resource Center	• Update on District Values Assessment Project • Chabot Dam Seismic Improvement Project-Pilot Project Labor Agreement Update • Legislative Report
	Board of Directors	11:00 a.m. 1:15 p.m.	• Closed Session • Regular Meeting
Wednesday, September 9	**Admission Day Holiday**		***District Offices Closed***
Tuesday, September 22	**Finance/Administration Committee** Patterson {Chair}, Katz, Young		
	Board of Directors	11:00 a.m. 1:15 p.m.	• Closed Session • Regular Meeting
Tuesday, October 13	**Planning Committee** McIntosh {Chair}, Linney, Young		
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson		
	Board of Directors	11:00 a.m. 1:15 p.m.	• Closed Session • Regular Meeting
Tuesday, October 27	**Finance/Administration Committee** Patterson {Chair}, Katz, Young		
	Board of Directors	11:00 a.m. 1:15 p.m.	• Closed Session • Regular Meeting

Draft Prepared By
Office of the Secretary

MINUTES

Tuesday, August 11, 2015

East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California

Regular Closed Session Meeting

President Frank Mellon called to order the Regular Closed Session Meeting of the Board of Directors at 11:01 a.m. in the Administration Center Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Frank Mellon were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Risk Manager Karen K. Curry (Item 1a), Attorney Xanthe M. Berry (Item 1a), Manager of Human Resources Laura A. Brunson (Item 1b), Attorney Lourdes Matthew (Item 1b), Manager of Customer and Community Services Sherri A. Hong (Item 2), Director of Operations and Maintenance Michael J. Wallis (Item 3), and Manager of Security and Emergency Steven G. Frew (Item 3).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Frank Mellon announced the closed session agenda. The Board convened to Conference Room 8a/b for discussion.

Regular Business Meeting

President Frank Mellon called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. in the Administration Building Board Room.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, William B. Patterson, Marguerite Young, and President Frank Mellon were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer and Secretary of the District Lynelle M. Lewis.

BOARD OF DIRECTORS

President Mellon led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

The Board in closed session, by a unanimous vote of the directors attending, authorized the General Counsel to initiate litigation in one matter. The action, defendants, and other particulars will be disclosed, upon inquiry, once the action is formally commenced.

There were no other announcements from closed session.

PUBLIC COMMENT

Addressing the Board was Michael Mejia, Open Space Liaison for the Bicycle Trails Council of the East Bay, who appealed to the Board to consider mountain bike access on EBMUD trails as part of the East Bay Watershed Master Plan update.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Items 1-9 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 148-15** – Approved the Regular Meeting Minutes of July 28, 2015.

2. The following correspondence was filed with the Board: 1) Letter dated August 10, 2015 to EBMUD (Attn: Director Frank Mellon), from Michael Mejia, Open Space Liaison for the Bicycle Trails Council of the East Bay, along with a publication entitled "Bay Nature" (July-September 2015) which address the organization's appeal for access to EBMUD trails as part of the East Bay Watershed Master Plan update; 2) Presentation entitled "Drought Operations" dated August 11, 2015; and 3) Memorandum dated August 11, 2015 to Board of Directors, from Cheryl A. Farr, Special Assistant to the General Manager, regarding Speaker Notes on Water Taste and Smell Changes Due to Drought.

3. **Motion No. 149-15** – Awarded a contract to the lowest responsive/responsible bidder Sharper Technology, Inc. in an amount, after the addition of taxes, not to exceed $197,946 for supplying Check Point firewall equipment and support, beginning on or after August 11, 2015 under Request for Quotation No. 1532.

4. **Motion No. 150-15** – Authorized a direct award contract to Ford Construction in the estimated total amount of $325,000 for supplying on-site sorting, supply, transport, and placement of gravel and construction of floodplain habitat in the lower Mokelumne River for spawning and rearing habitat enhancement during the period August 17, 2015 through July 1, 2017.

5. **Motion No. 151-15** – Authorized execution of an amendment to the Lease Agreement between EBMUD and Viridis Fuels, LLC to reconfigure the boundaries of the two parcels leased under the Lease Agreement in order to allow for necessary improvements to Engineers Road and adjust monthly compensation under the Lease Agreement to account for the new parcel boundary reconfiguration.

6. **Motion No. 152-15** – Authorized use of the State of California agreements with AT&T, Sprint and Verizon on or after October 1, 2015 to synchronize and provide wireless telephone and wireless broadband Internet service to District devices in an estimated annual amount of $575,000 through June 30, 2016, with three additional one-year periods for a total cost of $3,164,000 through June 30, 2019 (includes six percent cumulative increases in years 2, 3 and 4).

7. **Resolution No. 34048-15** – Authorizing Amendment To General Counsel Employment Agreement.

8. **Resolution No. 34049-15** – A Resolution Of The Board Of Directors Of The East Bay Municipal Utility District Adopting A Plan For Implementing A Labor Compliance Program For The Camanche Area Regional Water Supply Plan.

9. **Resolution No. 34050-15** – Fixing The Rate Of Tax For East Bay Municipal Utility District Special District No.1.

DETERMINATION AND DISCUSSION

10. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the recommended positions in Legislative Report No. 08-15. Legislative/Human Resources Committee Chair John A. Coleman reported that the Committee met earlier in the day and supported all of the staff recommended positions. There was discussion and the Board concurred that if SB7 (Wolk) becomes law, staff would schedule a presentation to a Board committee regarding implementation issues.

- Motion by Director Coleman, seconded by Director Linney, to approve the staff recommended positions in Legislative Report No. 08-15 carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, Young, and Mellon); NOES (None); ABSTAINED (None); ABSENT (None).

Motion No. 153-15 – Accepted Legislative Report No. 08-15 and approved positions on the following bills: SUPPORT AB 723 (Rendon) – Rental Property: Plumbing Fixtures: Replacement; SUPPORT SB 7 (Wolk) Housing: Water Meters: Multiunit Structures; SUPPORT SB 32 (Pavley) California Global Warming Solutions Act of 2006: Emissions Limit; and SUPPORT SB 551 (Wolk) State Water Policy: Water and Energy Efficiency.

Next, Manager of Legislative Affairs Marlaigne K. Dumaine reported that Senators Dianne Feinstein and Barbara Boxer introduced the California Emergency Drought Relief Act, a bill with provisions designed to help communities cope with the ongoing drought. She reported that staff will be reviewing the legislation and providing an update to the Board in September.

11. **General Manager's Report.**

Manager of Water Operations Eileen M. White presented an update on the District's current water supply, Water Year (WY) 15 drought operations, drought operations planning, and future water supply. She reported that total reservoir storage is at 365,000 acre-feet or 48 percent of capacity and staff projects total system storage on September 30, 2015 to be 330 total acre-feet (TAF) with Central Valley Project water and transfers. The current drought operation relies solely on delivering supplemental supplies to the Upper San Leandro (USL) and San Pablo Reservoirs for treatment at the USL and Sobrante Water Treatment Plants (WTPs). This operation has been subject to several constraints including taste and smell complaints, facility interruptions, and down-time for scheduled maintenance. With the Board's declaration of a Stage 4 Critical Drought, staff developed a plan to increase supplemental supply annual delivery capacity from a maximum of 65 TAF to 100 TAF. The District is completing several projects to implement the operating plan to deliver 100 TAF of supplemental supply. Additionally, staff is making operational adjustments to address taste and odor issues. Staff will keep the Board updated on the District's current water supply, drought operations, and the plans for meeting dry-year water needs. The Board requested that staff continue to report throughout the fall and winter on the impacts of curtailment on the cold water pool and fisheries.

General Manager Coate announced that a memorandum providing an update on recent activities related to the 2015 Critical Drought Action Plan and the Monthly Report for July 2015 was included in the Board's packet. He reminded the Board of the upcoming Cal Shakes event on August 13.

REPORTS AND DIRECTOR COMMENTS

12. **Committee Reports.**

- Filed with the Board were the meeting Minutes of the June 25, 2015 EBMUD/EBRPD Liaison Committee in addition to the July 28, 2015 Sustainability/Energy and the Finance/Administration Committees.

13. **Director Comments.**

- Director Coleman reported attending/participating in the following events: ACWA Executive Committee teleconference meeting on July 29 in Oakland; ACWA Board of Directors workshop meeting on July 30 in Sacramento; ACWA Executive Committee and Board of Directors meetings on July 31 in Sacramento; and EBMUD/ACWA radio

interview Talk Radio 910 with host Ed Baxter on July 31. He reported on plans to attend/ participate in the following upcoming events: ACWA Executive Committee teleconference meetings on August 12 in Oakland; ACWA Executive Committee teleconference meeting on August 17 in Arnold; Alameda County Escrow Association presentation on EBMUD issues on August 19 in Dublin; ACWA Executive Committee and Board of Directors teleconference meetings on August 24 in Oakland; DERWA Board of Directors meeting on August 24 in Dublin; ACWA Executive Committee teleconference meeting on August 31 in Oakland; and East Bay Economic Development Alliance Legislative Committee meetings on September 3 in Oakland.

- Director Katz had no report.

- Director Linney thanked staff for coordinating his Ward 5 event on July 29 in Oakland. He reported that the event was very successful with a good turnout.

- Director McIntosh had no report.

- Director Patterson reported attending/participating in the following events: Planning meeting for his Ward 6 event on August 4 in Oakland; meeting of Oakland Youth First on August 5 in Oakland; birthday celebration for Shiloh Church founder Dr. Violet Kiteley and 54th wedding anniversary celebration for Mr. & Mrs. Patterson on August 6 in Oakland. He reported on plans to participate in the planning meeting for an event to recognize Andreas Cluver of Alameda County Building and Trades Council on August 13.

- Director Young reported attending/participating in the following events: Meeting of the Bay Chapter Sierra Club Trail Group on the EBMUD Watershed Master Plan update on June 23; meeting with Darci Luce and Judy Kelly regarding the Bay Stewardship resolution on June 25; EBRPD Liaison Committee meeting on June 25 in Oakland; guest speaker at EBMUD LGBT Heritage Month barbeque on June 30; panelist for Climate One (Almonds and Lawns) at the Commonwealth Club to discuss the impact of the drought on urban and agricultural users on June 30 (aired on KQED the week of August 5); meeting with the Bicycle Trails Council of the East Bay and EBMUD staff on the Watershed Master Plan update on July 7; Oakland City Council District 1 Town Hall meeting regarding the drought on July 18; and the Contra Costa County Special Districts Association meeting on July 20 in Martinez.

- President Mellon reported attending/participating in the following events: Meeting with San Ramon Mayor Bill Clarkson to provide an update on drought issues on August 5 in San Ramon; meeting with East Bay Regional Park District Director Dennis Waespi and Assistant General Manager of Operations Jim O'Connor to receive an update on Redwood Canyon Public Golf Course (formerly known as Willow Park Golf Course) on August 6 in Oakland; and the Contra Costa County Mayors' Conference on August 6 in Hercules.

ADJOURNMENT

President Mellon adjourned the meeting at 2:34 p.m.

SUBMITTED BY:

_____
Lynelle M. Lewis, Secretary of the District

APPROVED: September 8, 2015

_____
Frank Mellon, President of the Board

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EBMUD

AGENDA NO. 3.
MEETING DATE September 8, 2015

TITLE HAULING AND DISPOSAL OF WASTEWATER TREATMENT RESIDUALS

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement beginning on or after October 1, 2015 with SN Sands Corp. dba S & S Trucking in an amount not to exceed $275,420 annually for hauling and disposal of wastewater treatment residuals (grit, screenings, and skimmings) for three years with two options to renew for an additional one-year period to include annual CPI increases for a total cost of $1,514,810 under RFQ 1521.

SUMMARY

Wastewater treatment residuals include grit, skimmings, and screenings (sand, floatables, and rags) that are collected from the Main Wastewater Treatment Plant (MWWTP) influent wastewater as well as from some trucked waste such as FOG (fat, oil and grease) and food waste. Operation of the MWWTP produces approximately 9 tons of residuals per day. This requirements contract provides for daily hauling and disposal of all treatment residuals from the MWWTP. Services under this contract will be requested to meet actual District needs. The estimated cost is based on historical data and departmental estimates of future requirements.

DISCUSSION

The current contract for the hauling and disposal of treatment residuals will expire on September 30, 2015. Award of this contract will provide for this necessary ongoing service.

SERVICE PROVIDER SELECTION

Requests for proposals were sent to 3 resource organizations and to 139 potential proposers. Four bids were received. The bid summary for RFQ 1521 is attached.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

Funds Available: FY	Budget Code:	
DEPARTMENT SUBMITTING Wastewater	DEPARTMENT MANAGER or DIRECTOR Ben Horenstein Bennett K. Horenstein	APPROVED Stephen R. Cerf General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

FISCAL IMPACT

Funds are available for this work in the FY16/17 Wastewater Operating Budget.

ALTERNATIVES

Reject all bids and rebid. This alternative is not recommended because the qualifying bid is competitive and reasonable.

Purchase the hauling service on the open market. This is not recommended because the multi-year contract is more cost-effective and provides the District with a reliable vendor to perform the hauling function.

Utilize District forces and equipment to haul the residuals. This option is not recommended because the hauling and disposal of grit, skimmings, and screenings requires specialized containers and vehicles, and as a result this work has historically been handled by contractors.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary

EAST BAY MUNICIPAL UTILITY DISTRICT
REQUEST FOR QUOTATION NO. 1521

Hauling and Disposal of Wastewater Treatment Residuals
Bids Received by 1:30 on July 22, 2015

	BIDDER	SBE (Y/N)	TOTAL AMOUNT BID
1.	S &S Trucking	Y	275,420.00
2.	PSC Industrial Outsourcing	N	290,100.00
3.	Bradley Tanks Inc	N	290,323.00
4.	Lone Tree Trucking	Y	340,334.00

NOTE: Prices do not include sales tax.
*SBE – Small Business Enterprise

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

EBMUD

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE	DATE:
General Services Agreement ***RFQ No.1521*** Hauling and Disposal of Wastewater Treatment Residuals - Three Year Contract with 2 One-Year Options to Renew	July 24, 2015

CONTRACTOR:

SN Sands, Corp. dba S&S Trucking
Oakland, CA
Local/Small Business

BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		PERCENTAGE OF CONTRACT DOLLARS		
	Ethnicity	Gender	Availability Group	Contracting Objectives	Participation
$275,420 */year	Hispanic	Men	White Men	25%	0.0%
			White Women	6%	0.0%
			Ethnic Minorities	25%	100.0%

CONTRACT EQUITY PARTICIPATION

COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
SN Sands, Corp. dba S&S Trucking	$275,420	Hispanic	X		---	---	100.0%	---	---	---	---
SUBS:											
None					---	---	---	---	---	---	---
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TOTAL	$275,420				0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)

	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	10	2	22	34
Percent of Total Employees:	29.4%	5.9%	64.7%	
MSA Labor Market %:	24.5%	21.6%	53.9%	
MSA Labor Market Location:	Alameda County			

COMMENTS

Contract Equity Participation - 100% Ethnic Minority participation.

*Total not to exceed $1,514,810.

Workforce Profile & Statement of Nondiscrimination Submitted	Good Faith Outreach Efforts Requirement Satisfied	Award Approval Recommended
NA	NA	

EBMUD

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: **Hauling and Disposal of Wastewater Treatment Residuals - Three Year Contract with 2 One-Year Options to Renew**

General Services Agreement

DATE: 7/24/2015

Ethnic Minority Percentages From U.S. Census Data	B	H	A/PI	AI/AN	TOTAL
National	10.5	10.7	3.7	0.7	27.3
9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2

R=Recmmd
P=Prime
S=Sub

Composition of Ownership	Company Name, Owner/Contact Person, Address, and Phone Number	Number of Ethnic Minority Employees	B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMM:H - L/SBE	Company Wide	3	11	2	1	17	50.0%	53.9%
	S & S Trucking	Manager/Prof	-	2	-	-	2	66.7%	
	Steve Navarro	Technical/Sales	-	2	-	-	2	28.6%	
	477 Roland Way	Clerical/Skilled	-	4	2	1	7	63.6%	
	Oakland, CA 94621	Semi/Unskilled	3	3	-	-	6	46.2%	
		Bay Area	3	11	2	1	17	50.0%	39.9%
	510-383-3556	AA Plan on File: NA	Date of last contract with District: 3/25/2015						
		Co. Wide MSA: Alameda	# Employees-Co. Wide: 34					Bay Area: 34	
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:	# Employees-Co. Wide:					Bay Area:	
P	WM	Company Wide	11	58	4	1	74	49.7%	27.2%
	PSC Industrial Outsourcing, Inc.	Manager/Prof	-	3	-	1	4	30.8%	
	Brad Clark	Technical/Sales	-	-	1	-	1	20.0%	
	1802 Shelton Dr	Clerical/Skilled	2	15	-	-	17	47.2%	
	Hollister, CA 95023	Semi/Unskilled	9	40	3	-	52	54.7%	
		Bay Area	-	-	-	-	-	NA	39.9%
	707-333-0097	Co. Wide MSA: Total USA	# Employees-Co. Wide: 149					Bay Area: 0	
P	WM	Company Wide	-	-	-	-	0	0.0%	46.2%
	Lone Tree Trucking, Inc.	Manager/Prof	-	-	-	-	0	0.0%	
	Kent Botti	Technical/Sales	-	-	-	-	-	NA	
	4001 Camino Diablo Rd	Clerical/Skilled	-	-	-	-	-	NA	
	Byron, CA 94514	Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	-	NA	39.9%
	510-701-5616	Co. Wide MSA: Alameda/Contra Costa	# Employees-Co. Wide: 2					Bay Area: 0	
P	EMW: A/PI	Company Wide	-	24	4	-	28	60.9%	48.4%
	Bradley Tanks, Inc.	Manager/Prof	-	-	1	-	1	16.7%	
	Sharon Bonner	Technical/Sales	-	1	-	-	1	11.1%	
	402 Hartz Ave, Building C	Clerical/Skilled	-	3	2	-	5	71.4%	
	Danville, CA 94526	Semi/Unskilled	-	19	1	-	20	83.3%	
		Bay Area	-	4	3	-	7	43.8%	39.9%
	925-229-2900	Co. Wide MSA: California	# Employees-Co. Wide: 46					Bay Area: 16	
P	Publicly Held	Company Wide	2	23	2	-	27	51.9%	48.4%
	Waste Management - Altamont Landfill	Manager/Prof	-	2	1	-	3	37.5%	
	Jean Logan	Technical/Sales	1	-	-	-	1	12.5%	
	10840 Altamont Pass Rd	Clerical/Skilled	1	16	-	-	17	60.7%	
	Livermore, CA 94550	Semi/Unskilled	-	5	1	-	6	75.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
	925-455-7300	Co. Wide MSA: California	# Employees-Co. Wide: 52					Bay Area: 0	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)

EBMUD

AGENDA NO. 4.
MEETING DATE September 8, 2015

TITLE CLAY STATION RAW WATER PUMPING PLANT UNIT 3 REPAIR

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement beginning on or after September 9, 2015, with Pacific Water Resources in an amount not to exceed $90,000, after the addition of taxes, for the repair of the Clay Station Raw Water Pumping Plant (RWPP) Unit 3 pump.

SUMMARY

The Clay Station RWPP is one of two pumping plants used for Folsom South Canal Connection (FSCC) operations. Each plant has four pump units and, under normal operations, uses three units with the fourth as a spare. The Clay Station RWPP unit 3 pump seized during Freeport Regional Water Authority/FSCC startup preparations in March 2015. Because the FSCC pump units are essentially new, the seized pump unit was shipped to the pump manufacturer, Flowserve Corporation, for inspection to determine if there were any design issues with the remaining seven FSCC units. The District attended the inspection and determined that there was no inherent design problem.

Pacific Water Resources is the manufacturer's recommended vendor for the repair work. Repair work will include installing new bearings as well as cleaning and machining of the shaft and impellers and replacement of worn parts.

SERVICE PROVIDER/CONSULTANT/VENDOR SELECTION

The repair process for the pump required a detailed inspection by a qualified firm to determine the scope of the repair. Pacific Water Resources is the pump manufacturer's recommended repair vendor and the cost proposal has been reviewed by the District and is considered reasonable for the scope of repairs.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

Funds Available: FY16		Budget Code: 875/1011225/4423/5312
DEPARTMENT SUBMITTING Water Operations	DEPARTMENT MANAGER or DIRECTOR Eileen M. White Eileen M. White	APPROVED Stevenson R. Cerf General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

FISCAL IMPACT

Funds for this expenditure are available in the FY 16/17 drought contingency budget.

ALTERNATIVES

Reject quote and rebid the request for quotation. This alternative is not recommended because Pacific Water Resources is the manufacturer's recommended repair vendor and the repair quote has been reviewed and considered reasonable. There are other pump repair firms but the cost would be comparable and there would be additional costs to ship the unit to another company.

Do not repair the pump unit. This alternative is not recommended because the pump is required for reliable operation of the FSCC system.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

EBMUD

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE	DATE:
Materials and Supplies Services Agreement Clay Station Raw Water Pumping Plant Unit 3 Repair	August 21, 2015

CONTRACTOR:			PERCENTAGE OF CONTRACT DOLLARS		
Pacific Water Resources Burlingame, CA	Direct Award		**Availability Group**	**Contracting Objectives**	**Participation**
BID/PROPOSER'S PRICE:	**FIRM'S OWNERSHIP**		**White Men**	**25%**	**100.0%**
	Ethnicity	**Gender**	**White Women**	**6%**	**0.0%**
$90,000 *	White	Men	**Ethnic Minorities**	**25%**	**0.0%**

CONTRACT EQUITY PARTICIPATION

COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
Pacific Water Resources	$90,000	White	X		100.0%	---	---	---	---	---	---
SUBS:											
None					---	---	---	---	---	---	---
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					---	---	---	---	---	---	---
TOTAL	$90,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)

	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	1	1	0	2
Percent of Total Employees:	50.0%	50.0%	0.0%	
MSA Labor Market %:	39.0%	33.7%	27.2%	
MSA Labor Market Location:	Total USA			

COMMENTS

Contract Equity Participation - 100% White Men participation.

*Total not to exceed $90,000.

Workforce Profile & Statement of Nondiscrimination Submitted	Good Faith Outreach Efforts Requirement Satisfied	Award Approval Recommended
NA	NA	

S.G.

EBMUD

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: **Clay Station Raw Water Pumping Plant Unit 3 Repair**

Materials and Supplies Services Agreement

DATE: 8/21/2015

Ethnic Minority Percentages From U.S. Census Data	B	H	A/PI	AI/AN	TOTAL
National	10.5	10.7	3.7	0.7	27.3
9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2

R=Recmmd
P=Prime
S=Sub

Composition of Ownership

Number of Ethnic Minority Employees

Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP WM	Company Wide	-	-	-	-	0	0.0%	27.2%
Pacific Water Resources	Manager/Prof	-	-	-	-	0	0.0%	
Alan Bonkowski	Technical/Sales	-	-	-	-	-	NA	
1499 Bayshore Blvd, #201	Clerical/Skilled	-	-	-	-	-	NA	
Burlingame, CA 94010	Semi/Unskilled	-	-	-	-	-	NA	
	Bay Area	-	-	-	-	0	0.0%	39.9%
650-259-0320	AA Plan on File: NA	Date of last contract with District: 4/30/2015						
	Co. Wide MSA: Total USA	# Employees-Co. Wide: 2				Bay Area: 2		
S Publicly Held	Company Wide	Information not Provided						
Flowserve	Manager/Prof							
Gary Minnacca	Technical/Sales							
1909 E. Cashdan St	Clerical/Skilled							
Rancho Dominguez, CA 90220	Semi/Unskilled							
	Bay Area							
310-667-4221	Co. Wide MSA:	# Employees-Co. Wide:				Bay Area:		
	Company Wide							
	Manager/Prof							
	Technical/Sales							
	Clerical/Skilled							
	Semi/Unskilled							
	Bay Area							
	Co. Wide MSA:	# Employees-Co. Wide:				Bay Area:		
	Company Wide							
	Manager/Prof							
	Technical/Sales							
	Clerical/Skilled							
	Semi/Unskilled							
	Bay Area							
	Co. Wide MSA:	# Employees-Co. Wide:				Bay Area:		
	Company Wide							
	Manager/Prof							
	Technical/Sales							
	Clerical/Skilled							
	Semi/Unskilled							
	Bay Area							
	Co. Wide MSA:	# Employees-Co. Wide:				Bay Area:		
	Company Wide							
	Manager/Prof							
	Technical/Sales							
	Clerical/Skilled							
	Semi/Unskilled							
	Bay Area							
	Co. Wide MSA:	# Employees-Co. Wide:				Bay Area:		

WM=White Male, WW=White Women, **EM=Ethnic Minority** (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)

EBMUD

AGENDA NO. 5
MEETING DATE September 8, 2015

TITLE **AMEND AGREEMENT FOR DISTRICT VALUES ASSESSMENT PROJECT**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an amendment to an agreement with the Schnur Consulting Group in the amount of $75,000 increasing the total amount of the agreement to $197,300, for services related to implementation of District values and organizational improvements strategies beginning September 8, 2015.

SUMMARY

On March 20, 2014, the District entered into an agreement with the Schnur Consulting Group (consultant) in the amount of $59,800 via General Manager authority with a contract amendment of $62,500 on November 12, 2014. The purpose of the initial agreement was to assess the values of employees and what they view as strengths and weaknesses of the organization. With 50 percent of the organization eligible for retirement in the next five years, the assessment will help the District clarify for existing and new employees what values we hold and in so doing, align our organization and increase efficiency. Ten percent of District employees were interviewed and a report was prepared. The agreement was amended to provide for creation of cross-functional, multi-level employee teams to provide recommendations for creation of organizational values and to address organizational improvements.

This item seeks Board approval to extend the agreement with the consultant to bring the project to completion. The proposed amendments include work to assist the District in the creation of cross-functional implementation teams to communicate and embed the District's new values into work processes and employee/workplace culture. The consultant will also assist the District in the implementation of strategies related to organizational improvements as recommended by the working teams.

This item was discussed at the September 8, 2015 Legislative/Human Resources Committee meeting.

DISCUSSION

The District's Strategic Plan includes a Workforce Planning and Development goal to "create an environment that attracts, retains, and engages a high performing diverse workforce in support of the District's mission." In October 2013, senior management discussed the looming retirement bubble,

Funds Available: FY	Budget Code:	
DEPARTMENT SUBMITTING Human Resources	DEPARTMENT MANAGER or DIRECTOR Laura Brunson	APPROVED General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

changing District demographics, and what organizational values would be key to ensuring the District can best assimilate new talent to carry out its mission. This dialogue resulted in senior management initiating a process of gathering employee feedback through focus groups.

The Schnur Consulting Group was contracted to engage the District workforce in a dialogue concerning their perceptions of EBMUD as an employer. In December 2014, the findings of the focus groups were presented to all staff and the Legislative/Human Resources Committee. At that time, staff made a request to extend the Schnur contract to facilitate two cross-functional employee teams to address District values and organizational improvements as identified in the focus group data. Since February of 2015, the two teams of twenty plus members each have been engaged with the consultant to define the District's values and determine ways to embed the values into District work processes and employee/workplace culture, while addressing needed organizational improvements.

To ensure the validity of their recommendations, the Values Team created criteria for values selection, and gathered feedback from hundreds of employees from all parts of the District. The feedback was integrated into their process and was reflected in their final recommendation. On August 18, 2015, the Values Team presented a new set of values and related behaviors and a high level implementation plan to senior managers. The values were unanimously adopted by the senior management team. The same information was shared with all managers and union leadership. The four values identified by the team are:

- Stewardship – I am a steward of our resources and committed to public service
- Integrity – I act with integrity
- Respect – I treat others with respect
- Teamwork – We are EBMUD and we are one team

The Organizational Improvements Team was commissioned with addressing the twelve challenges identified in the focus group data and has narrowed their efforts to six strategic directions:

- Create clear strategic direction and shared goals
- Actively promote teamwork
- Strengthen communication in all directions
- Generate and implement new ideas
- Manage poor performance at all levels
- Capture essential knowledge

These six directions have also been validated through discussions with senior management and various employee groups. The team is finalizing their recommendations and will be presenting them to the senior management team in mid-October.

The next phase of the work related to the teams is the formation of implementation teams with an emphasis on educating the workforce on the values, imbedding the values into our daily work processes, and implementing the strategies for organizational improvement. The implementation process is estimated to take place over a period of eighteen to twenty-four months. Staff is recommending that the Schnur Consulting Group continue to support the program through the implementation phase. The support for the program would begin with high intensity assistance in launching the program providing facilitation and

capacity building during the early phases of the program. The activity of the consultant will taper to less formal activity and development of employee subject matter experts to continue in the later stages of the program.

To accomplish these key outcomes, staff is requesting the Board's authorization to amend the agreement with Schnur Consulting Group in the amount of $75,000, increasing the total amount of the agreement to $197,300, to complete the work described in the section above.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

Funds for this work are available in the FY16 budget.

UNION NOTIFICATION

Each of the locals was notified of this project and did not raise any specific issues related to this agreement.

ALTERNATIVES

Do not approve an amendment to the agreement. This alternative is not recommended based on the need for external perspectives and best practices to increase organizational effectiveness through the establishment and implementation of organizational values.

Utilize District staff to advance the values and organizational improvement effort. This alternative is not recommended based on the need for existing staff of the Employee and Organizational Development Division to remain focused on the Workforce Development initiatives as spelled out in the District's Strategic Plan.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary

CONTRACT EQUITY PROGRAM SUMMARY (P-035)

EBMUD

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

TITLE	DATE:
Amendment to Professional Services Agreement Amend Agreement for District Values Assessment Project	August 28, 2015

CONTRACTOR:			PERCENTAGE OF CONTRACT DOLLARS		
Schnur Consulting Group Orinda, CA	Local/Small Business		**Availability Group**	**Contracting Objectives**	**Participation**
BID/PROPOSER'S PRICE:	**FIRM'S OWNERSHIP**		**White Men**	**25%**	**100.0%**
	Ethnicity	**Gender**	**White Women**	**6%**	**0.0%**
$75,000 *	White	Men	**Ethnic Minorities**	**25%**	**0.0%**

CONTRACT EQUITY PARTICIPATION

COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
Schnur Consulting Group	$75,000	White	X		100.0%	---	---	---	---	---	---
SUBS:											
None					---	---	---	---	---	---	---
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TOTAL	$75,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)

	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	2	0	1	3
Percent of Total Employees:	66.7%	0.0%	33.3%	
MSA Labor Market %:	32.3%	27.8%	39.9%	
MSA Labor Market Location:	9 Bay Area Counties			

COMMENTS

Contract Equity Participation - 100% White Men participation.

*Original contract amount $62,500. Total contract increased to $196,800.

Workforce Profile & Statement of Nondiscrimination Submitted	Good Faith Outreach Efforts Requirement Satisfied	Award Approval Recommended
NA	NA	J.G.

EBMUD

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: **Amend Agreement for District Values Assessment Project**

Professional Services Agreement DATE: 8/28/2015

Ethnic Minority Percentages From U.S. Census Data	B	H	A/PI	AI/AN	TOTAL
National	10.5	10.7	3.7	0.7	27.3
9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2

R=Recmmd
P=Prime
S=Sub

Composition of Ownership

Number of Ethnic Minority Employees

Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP WM - L/SBE	Company Wide	-	-	1	-	1	33.3%	39.9%
Schnur Consulting Group	Manager/Prof	-	-	1	-	1	33.3%	
Alan Schnur	Technical/Sales	-	-	-	-	-	NA	
PO Box 463	Clerical/Skilled	-	-	-	-	-	NA	
Orinda, CA 94563	Semi/Unskilled	-	-	-	-	-	NA	
	Bay Area	-	-	1	-	1	33.3%	39.9%
925-253-4870	AA Plan on File: NA			Date of last contract with District: 3/20/2014				
	Co. Wide MSA: 9 Bay Area Counties			# Employees-Co. Wide: 3			Bay Area: 3	
	Company Wide							
	Manager/Prof							
	Technical/Sales							
	Clerical/Skilled							
	Semi/Unskilled							
	Bay Area							
	Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	
	Company Wide							
	Manager/Prof							
	Technical/Sales							
	Clerical/Skilled							
	Semi/Unskilled							
	Bay Area							
	Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	
	Company Wide							
	Manager/Prof							
	Technical/Sales							
	Clerical/Skilled							
	Semi/Unskilled							
	Bay Area							
	Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	
	Company Wide							
	Manager/Prof							
	Technical/Sales							
	Clerical/Skilled							
	Semi/Unskilled							
	Bay Area							
	Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	
	Company Wide							
	Manager/Prof							
	Technical/Sales							
	Clerical/Skilled							
	Semi/Unskilled							
	Bay Area							
	Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: September 3, 2015

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager ARC

SUBJECT: Legislative Report No. 09-15

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate.

RECOMMENDED ACTION

Receive information on EBMUD's sponsored bill SB 188 (Hancock) Municipal Utility District: utility charges: delinquencies, AB 142 (Bigelow) Wild and Scenic Rivers: Mokelumne River and SB 20 (Pavley) California Water Resiliency Investment Act and approve positions on the following bills: 1) Support S. 1837 (Boxer) Drought Recovery and Resilience Act of 2015 and 2) Support S. 1894 (Feinstein) California Emergency Drought Relief Act of 2015.

STATE LEGISLATION		RECOMMENDED POSITION
SB 188 (Hancock)	**MUNICIPAL UTILITY DISTRICT: UTILITY CHARGES: DELINQUINCIES**	**INFORMATION**

EBMUD's sponsored bill, SB 188 (Hancock), introduced February 9, 2015, would eliminate the statutory 2015 sunset date on EBMUD's lien authority for delinquent water and wastewater charges. SB 188 was heard and approved by the assembly on August 20, 2015 with a bi-partisan vote of 68-6. The measure is currently awaiting action by the governor.

AB 142 (Bigelow)	**WILD AND SCENIC RIVERS: MOKELUMNE RIVER**	**INFORMATION**

AB 142 (Bigelow) would require the Secretary of the Natural Resources Agency to study and prepare a report on the suitability of adding a specified stretch of the Mokelumne River to the California Wild and Scenic Rivers system.

AB 142 was passed out of the Senate Appropriations Committee on August 28, 2015 on a unanimous vote with amendments imposed by the committee that would require the Natural Resources Agency to develop a cost estimate of the study and enter into a cost-sharing agreement with the Upper Mokelumne River Watershed Authority to provide a fifty-percent local cost share, and to allow for additional contributions from other interested parties. The

committee amendments require a higher local cost share than those advanced by the author, which would have required a one-third local cost share. Prior to consideration by the full senate, AB 142 is expected to be amended again with language that has been agreed to by key stakeholders and is intended to address concerns recently expressed by the Pacific Gas and Electric Company and to comport the study area with the descriptions used in last year's SB 1199 (Hancock).

SB 20 (Pavley)	**CALIFORNIA WATER RESILIENCY INVESTMENT ACT**	**INFORMATION**

SB 20 (Pavley), which EBMUD supported in a prior version relating to well reports, was gutted and amended on August 26, 2015 to be the "California Water Resiliency Investment Act." SB 20 would create the California Water Resiliency Investment Fund with five accounts to direct money from a yet to be determined source to drought response and recovery, integrated regional projects, disadvantaged communities, ecosystem improvements, and data and information management systems. At this time, no retail water fee or any other funding source is identified in the measure.

Though SB 20 is likely be the primary vehicle for a water-related fee or tax next year, the author's office has indicated that SB 20 will not be advanced this year and is intended to serve as the basis for funding discussions among stakeholders and the legislature during the legislature's recess this fall.

Staff has communicated, to EBMUD's delegation and others in the legislature and administration, the policy position adopted by EBMUD's Board on May 26, 2015, which states EBMUD is opposed to the imposition of state retail water use fees or surcharges on customer water bills on the basis of equity, affordability, and accountability.

FEDERAL LEGISLATION		**RECOMMENDED POSITION**
S. 1837 (Boxer)	**DROUGHT RECOVERY AND RESILIENCE ACT OF 2015**	**SUPPORT**

S. 1837 (Boxer), the Drought Recovery and Resilience Act of 2015 (Act), is a substantially similar companion measure to H.R. 2983 (Huffman), which the Board adopted a "support" position on at the July 28, 2015 meeting. The Act is intended to respond to the drought in California and other western states by providing both short- and long-term solutions to stretch water supplies and build new clean water infrastructure without undermining environmental protections, preempting state laws, or redirecting impacts from one drought-stricken area to another.

Similar to H.R. 2983, the Act would primarily do two things: (1) provide emergency funding, and (2) authorize new water infrastructure programs, and includes additional provisions related to drought response planning, water management, and impacts to wild fisheries.

Emergency Funding

The Act would provide over $1 billion in emergency funding to address water supply for public health and safety, investments in water recycling, reuse, and reclamation, and meeting the emergency needs of drought-impacted communities. Funding assistance would include $300 million for United States Bureau of Reclamation (USBR) projects, including $100 million for Title XVI and $100 million for WaterSmart, and $500 million for the United States Environmental Protection Agency (EPA) for the Clean Water and Drinking Water State Revolving Funds with priority for drought response projects.

New Water Infrastructure Programs

The Act would establish a new EPA grant program to supplement existing Title XVI funding and support water recycling projects and would appropriate $500 million annually for each fiscal year 2016 through 2020 for this new program. The Act would also expand the financing mechanisms available to the USBR, including establishing a new Reclamation Infrastructure Finance and Innovation Act (RIFIA). Funding under RIFIA would include the following:

- $500 million total, $100 million per fiscal year from 2016 through 2020, for a new loan and loan guarantee program, similar to the Water Infrastructure and Finance Innovation Act included in the Water Resources and Reform Development Act of 2014, to offer long-term, low-cost financing for eligible water projects, including projects for water recycling, enhanced energy efficiency, and desalination.

- $700 million total for USBR to partner with state and local entities for integrated regional water management, reclamation, and water recycling projects that do not have existing federal funding authorizations.

Other Provisions

The Act includes provisions intended to assist with drought response planning, water management and impacts to wild fisheries and would require the development of a water source protection program within the United States Forest Service to protect and restore watersheds, provide for reservoir operation improvement by allowing consideration of whether using improved weather forecasts and run-off forecasting would improve project benefits, provide for improved oversight of state injection wells, require the National Resources Conservation Service to provide water supply planning assistance to state water agencies requesting assistance, and direct the United States Fish and Wildlife Service to prepare a salmon drought plan to address impacts of drought on salmon population.

The Act is intended to provide assistance to mitigate drought impacts while appropriately preserving environmental protections. In addition, the Act could provide potential funding opportunities for EBMUD projects, such as projects that assist with water supply reliability, including water recycling, conservation, and desalination.

Support of S. 1837 is consistent with EBMUD's support for S. 1837's companion measure, H.R. 2983 (Huffman), and multiple federal measures in 2014 that would have provided federal drought funding assistance, namely H.R. 4239 (Huffman), S. 2016 (Feinstein, Boxer) and S.

2016's companion measure, H.R. 4039 (Costa), as well as EBMUD's 2015 federal initiatives to seek federal funding opportunities. None of these measures advanced out of Congress

S. 1894 (Feinstein, Boxer)	**CALIFORNIA EMERGENCY DROUGHT RELIEF ACT OF 2015**	**SUPPORT**

Introduced after S. 1837, S. 1894 (Feinstein, Boxer), the California Emergency Drought Relief Act (Drought Relief Act), is Senator Feinstein and Senator Boxer's most recent approach to respond to the drought in California and is intended to provide a template for California-specific solutions that could be included in a western wide drought relief bill. Accordingly, S. 1894 contains provisions similar to those included in other drought-related bills over the past few years, such as funding for both existing and new infrastructure programs included in S. 1837 (Boxer), discussed earlier, and H.R. 2983 (Huffman), which the Board adopted a "support" position on at the July 28, 2015 meeting.

S. 1894 would provide both short- and long-term solutions to help communities cope with the ongoing drought and combat future droughts without undermining environmental protections, preempting state laws, or redirecting impacts from one drought-stricken area to another. The Drought Relief Act would primarily do four things: (1) provide for emergency projects to maximize water supply reliability while preserving environmental protections; (2) provide for expedited environmental reviews and approvals of projects; (3) provide funding for water supply and drought resiliency projects; and (4) deauthorize inactive U.S. Bureau of Reclamation (USBR) projects. The Drought Relief Act also has additional provisions including but not limited to community assistance and water management.

Emergency Projects

The Drought Relief Act would direct federal agencies to undertake a number of actions within their existing authority and without waiving federal or state law, including environmental protections, to maximize available water supplies. The actions to be taken by federal agencies include, but are not limited to:

- Make it easier to transfer water through the Delta;
- Use existing flexibility to operate pumps in the Delta;
- Keep the Delta Cross Channel Gates open as long as possible, in cooperation with the State Water Resources Control Board, and collect data to assess the impact on endangered species, water quality, and water supply;
- Expedite permit decisions for use of temporary fish barriers and gates; and
- Expedite permit decisions for water transfers related to voluntary fallowing.

Expedited Environmental Review and Project Approval

The Drought Relief Act would streamline processes for environmental review and approval of projects while the governor's state of emergency drought declaration is in effect by: (1) requiring federal agencies to expedite reviews under the National Environmental Policy Act; (2) requiring approval of projects to increase water supplies if project approval does not violate existing laws;

and (3) requiring the head of a federal agency, upon a state's request, to make a final decision on a project within 10 days.

Funding

The Drought Relief Act seeks to provide funding support for various long-term water supply projects as well as for state and local drought resiliency projects, including water recycling, conservation and desalination. Funding support would include, but is not limited to:

- Identifying entities with recycled water projects, including EBMUD, that may be eligible to compete for funding through the USBR if funds are appropriated and projects meet eligibility requirements, including the completion of a USBR-compliant feasibility report;
- Directing the USBR to award funding, if appropriated, for desalination projects that meet eligibility requirements, including the completion of a USBR-compliant feasibility report;
- Reauthorizing the Water Desalination Act in the amount of $50 million to support desalination research through 2020;
- Authorizing $20 million for administration of the United States Environmental Protection Agency's WaterSense program for 2016 through 2019, with the funding amount to be adjusted based on inflation after 2019;
- Authorizing a total of $35 million over five years, 2016 through 2020, for grants to promote the development of innovative water supply and conservation technologies;
- Authorizing $200 million to establish a Reclamation Infrastructure Finance and Innovation Act program to offer long-term, low-cost financing for eligible water projects, including projects for water recycling, enhanced energy efficiency and desalination;
- Adding $100 million to the existing funding authorization for the USBR WaterSmart program and creating a new grant program within WaterSmart for integrated regional water management, reclamation and recycling projects with a local cost share of 75 percent with a maximum federal contribution of $20 million; and,
- Authorizing $200 million under Title XVI for planning, design and construction of water recycling projects through 2020, with priority given to projects in drought-impacted areas.

Deauthorization of Projects

S. 1894 would require the Secretary of the Interior to identify USBR water resources development projects authorized prior to March 30, 2009 that are inactive and no longer viable for construction, and provide a process by which the Secretary of the Interior could deauthorize a project. This provision is not expected to impact EBMUD as EBMUD's authorizations, including authorizations for the Integrated Recycled Water Program and the Bay Area Regional Desalination Project, were authorized under the United States Corps of Engineers, not the USBR.

Other Provisions

The Drought Relief Act also includes provisions intended to assist drought-stricken communities by providing increased funding and would have the Department of the Interior establish an open water data system to advance the availability, timely distribution and widespread use of water

data and information for water management, education, research, assessment and monitoring purposes.

Overall, the Drought Relief Act is consistent with EBMUD objectives and could provide assistance to mitigate drought impacts while appropriately preserving environmental protections. In addition, the Drought Relief Act could provide potential funding opportunities for EBMUD projects, such as projects that assist with water supply reliability, including water recycling, conservation, and desalination if they meet eligibility requirements. As discussions on a western wide drought bill continue staff proposes to convey EBMUD's support for the measure while communicating that there are three provisions that could be strengthened as part of incorporation into a western wide drought bill:

- Broaden the USBR recycled water and desalination project funding language to ensure that projects with longstanding Water Resources Development Act authorizations, such as EBMUD's San Ramon Valley Recycled Water Project, the Integrated Recycled Water Program, and the Bay Area Regional Desalination Project, as well as projects that complete USBR feasibility reports are eligible to compete for funding;
- Provide expedited approvals for water transfers to all CVP contractors, not just for transfers related to voluntary fallowing; and,
- Expand the data collection and evaluation associated with operations of the Delta Cross Channel Gates to include Central Valley fall run chinook so that impacts to Mokelumne River salmon are included in the evaluation.

Support of S. 1894 is consistent with EBMUD's support for H.R. 2983 (Huffman), which the Board adopted a "support" position on at the July 28, 2015 meeting, and multiple federal measures in 2014 that would have provided federal drought funding assistance, namely H.R. 4239 (Huffman), S. 2016 (Feinstein, Boxer) and S. 2016's companion measure, H.R. 4039 (Costa), as well as EBMUD's 2015 federal initiatives to seek federal funding opportunities. None of these measures advanced out of Congress.

ARC:MD:JF

Senate Bill No. 188

Passed the Senate May 14, 2015

_____

Secretary of the Senate

Passed the Assembly August 20, 2015

_____

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of _____, 2015, at _____ o'clock ____M.

_____

Private Secretary of the Governor

CHAPTER _____

An act to amend and repeal Section 12811.1 of the Public Utilities Code, relating to utility charges.

LEGISLATIVE COUNSEL'S DIGEST

SB 188, Hancock. Municipal utility district: utility charges: delinquencies.

(1) The existing Municipal Utility District Act authorizes the formation of a municipal utility district. The act authorizes a district to acquire, construct, own, operate, control, or use works for supplying the inhabitants of the district and public agencies with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the collection, treatment, or disposition of garbage, sewage, or refuse matter. The act authorizes a municipal utility district, by resolution or ordinance, to require the owner of record of privately owned real property within the district to pay the fees, tolls, rates, rentals, or other charges for certain utility services rendered to a lessee, tenant, or subtenant, and provides that those charges that have become delinquent, together with interest and penalties, are a lien on the property when a certificate is filed by the district in the office of the county recorder and that the lien has the force, effect, and priority of a judgment lien.

The act, in addition to the above-described methods, establishes procedures, until January 1, 2016, for a municipal utility district to collect delinquent fees, tolls, rates, rentals, or other charges, together with interest and penalties thereon, for services rendered to a lessee, tenant, or subtenant, through the tax roll, in the same manner as property taxes. The act, until January 1, 2016, authorizes a municipal utility district to collect delinquent fees, tolls, rates, rentals, or other charges, together with interest and penalties thereon, for services rendered to a lessee, tenant, or subtenant, by recording in the office of the county recorder of the county in which the affected parcel is located, a certificate declaring the amount of the delinquent charges, together with interest and penalties thereon, which would then constitute a lien against the affected real property of the delinquent property owner in that

county and have the force, effect, and priority of a judgment lien. The act, until January 1, 2016, requires a municipal utility district that exercises these collection measures to reimburse the county for the reasonable expenses incurred by the county.

This bill would extend the operation of these provisions indefinitely. By requiring county auditors and recorders to undertake certain actions in response to the exercise of collection measures by a municipal utility district, the bill would impose a state-mandated local program.

(2) The act prohibits a municipal utility district from collecting delinquent fees or charges using the above-described collection measures for the furnishing of electrical services and, beginning January 1, 2016, for the furnishing of water or sewer service to residential property.

This bill would permanently authorize a municipal utility district to collect delinquent fees or charges using the above-described collection measures for the furnishing of water or sewer service to residential property.

(3) The act requires any district that places a lien on a property for water or sewer service on or before December 31, 2014, pursuant to the above-described collection measures, to submit a report containing certain information to the Assembly and Senate Committees on Judiciary and to the Assembly and Senate Committees on Local Government on or before January 1, 2015.

This bill would delete this provision.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. This act is intended to remove the sunset date in Section 12811.1 of the Public Utilities Code on the authority of a municipal utility district to collect delinquent fees, tolls, rates, rentals, and other charges on the tax roll. This act is not intended to change existing law regarding the protection provided to a property owner pursuant to Section 12822.6 of the Public Utilities

Code, which prohibits a municipal utility district from collecting delinquent charges or penalties from a property owner accrued by a residential tenant in a nonmaster-metered building.

SEC. 2. Section 12811.1 of the Public Utilities Code, as amended by Section 1 of Chapter 485 of the Statutes of 2010, is amended to read:

12811.1. (a) Except when prohibited by Section 12822.6, a district may, by resolution or ordinance, require the owner of record of real property within the district to pay the fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant, and those fees, tolls, rates, rentals, and other charges that have become delinquent, together with interest and penalties thereon, are a lien on the property when a certificate is filed in the office of the county recorder pursuant to subdivision (b) and the lien has the force, effect, and priority of a judgment lien. No lien may be created under this section on any publicly owned property.

(b) A lien under this section attaches when the district files for recordation in the office of the county recorder a certificate specifying the amount of the delinquent fees, tolls, rates, rentals, or other charges together with interest and penalties thereon; the name of the owner of record of the property to which services were rendered by the district; and the legal description of the property. Within 30 days of receipt of payment of all amounts due, including recordation fees paid by the district, the district shall file for recordation a release of the lien.

(c) A district may, by resolution or ordinance, provide that any delinquent fees, tolls, rates, rentals, or other charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant, may be collected on the tax roll in the same manner as property taxes. Before any entity may collect any delinquent fees, tolls, rates, rentals, or other charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant on the tax roll, the district shall prepare a report, provide notice, conduct a public hearing, and file a certificate in the office of the county recorder, as follows:

(1) The general manager shall prepare and file with the district board of directors a report that describes each affected parcel of real property and the amount of the delinquent fees, tolls, rates,

rentals, or other charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant for each affected parcel for the year. The general manager shall give notice of the filing of the report and of the time, date, and place for a public hearing by publishing the notice pursuant to Section 6066 of the Government Code in a newspaper of general circulation, and by mailing the notice to the owner of each affected parcel at least 14 days prior to the date of the hearing.

(2) At the public hearing, the board of directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing, the board of directors may adopt or revise the delinquent fees, tolls, rates, rentals, or other charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant. The board of directors shall make its determination on each affected parcel and its determinations shall be final.

(3) On or before August 10 of each year following these determinations, the general manager shall file with the county auditor a copy of the final report adopted by the board of directors. The county auditor shall enter the amount of the delinquent fees, tolls, rates, rentals, or other charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant, against each of the affected parcels of real property as they appear on the current assessment roll. The county tax collector shall include the amount of the delinquent fees, tolls, rates, rentals, or charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant, on the tax bills for each affected parcel of real property and collect the delinquent fees, tolls, rates, rentals, or charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant, in the same manner as property taxes.

(4) The district may recover any delinquent fees, tolls, rates, rentals, or other charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant, by

recording in the office of the county recorder of the county in which the affected parcel is located, a certificate declaring the amount of the delinquent fees, tolls, rates, rentals, or charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant, due, and the name and last known address of the person liable therefor. From the time of recordation of the certificate, the amount of the delinquent fees, tolls, rates, rentals, or charges, together with interest and penalties thereon, including any delinquent fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or subtenant, constitutes a lien against the affected real property of the delinquent property owner in that county. This lien shall have the force, effect, and priority of a judgment lien. Within 30 days of receipt of payment of all amounts due, including recordation fees paid by the district, the district shall file for recordation a release of the lien.

(5) The district shall not recover on the tax roll any delinquent fees, tolls, rates, rentals, or other charges for services for commercial use to a commercial tenant under an account established by the commercial tenant, from any subsequent tenant or the property owner, due to nonpayment of charges by a previous commercial tenant. For this purpose, the term "subsequent commercial tenant" shall not include an entity or adult person that was located at the same address during the period the charges or penalties accrued. This paragraph does not apply to master-metered accounts.

(d) Notwithstanding Sections 6103 and 27383 of the Government Code, in filing any instrument, paper, or notice pursuant to this section, the district shall pay all applicable recording fees prescribed by law.

(e) A district shall reimburse the county for the reasonable expenses incurred by the county pursuant to this section.

(f) The remedies in this section are cumulative and in addition to any other remedy provided by law. The district may pursue remedies alternatively or consecutively.

(g) This section does not apply to delinquent fees or charges for the furnishing of electrical service.

SEC. 3. Section 12811.1 of the Public Utilities Code, as added by Section 2 of Chapter 485 of the Statutes of 2010, is repealed.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Approved _____, 2015

_____

Governor

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE JULY 16, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL No. 142

Introduced by Assembly Member Bigelow
(Principal coauthor: Senator Berryhill)

January 12, 2015

An act to amend Section 5093.56 of, and to add Sections 5093.548 and 5093.549 to, the Public Resources Code, relating to wild and scenic rivers.

LEGISLATIVE COUNSEL'S DIGEST

AB 142, as amended, Bigelow. Wild and scenic rivers: Mokelumne River.

(1) Existing law, the California Wild and Scenic Rivers Act, provides for a system of classification of those rivers or segments of rivers in the state that are designated as wild, scenic, or recreational rivers, for purposes of preserving the highest and most beneficial use of those rivers. The act requires the Secretary of the Natural Resources Agency to study and submit to the Governor and the Legislature a report that analyzes the suitability or nonsuitability for addition to the system of rivers or segments of rivers that are designated by the Legislature as potential additions to the system, and requires that each report contain specified information and recommendations with respect to the proposed designation.

This bill would require the secretary, in a report analyzing the suitability or nonsuitability of a proposed designation of the Mokelumne

River, its tributaries, or portions thereof as additions to the system, to consider the potential effects of the proposed designation on future water requirements, as specified, and the effects of climate change on river values and current and projected water supplies, and to consider other factors. The bill would include any portion of the Mokelumne River designated for potential addition within certain protections afforded to wild and scenic rivers until the completion of the study period and the implementation of any recommendation to add the portion of the Mokelumne River to the system, or December 31, 2021, whichever occurs first.

The bill would also designate a specified portion of the Mokelumne River, or any segment of that portion, for potential addition to the system. The bill would require the secretary to submit a report pursuant to the above-described requirements to the Legislature and Governor no later than December 31, 2017, and would require the report to include a clear recommendation on the suitability or nonsuitability for addition to the system of the designated portion of the Mokelumne River or any segment of that portion. *The bill would require the secretary to enter into a cost-sharing agreement with the Upper Mokelumne River Watershed Authority that would require the state and the authority to each pay a specified portion of the cost of the report. By imposing new duties on a local government entity, the bill would impose a state-mandated local program.*

(2) The bill would declare that due to the unique geographical features of the Mokelumne River and its tributaries, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

(3)The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ *yes*.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that the entities
2 responsible for the Mokelumne Watershed Interregional

Sustainability Evaluation Program may seek state funding for which the feasibility studies and assessments described in paragraph (3) of subdivision (a) of Section 5093.548 of the Public Resources Code are eligible.

SEC. 2. Section 5093.548 is added to the Public Resources Code, to read:

5093.548. (a) Notwithstanding Section 5093.547, prior to the designation of the Mokelumne River, its tributaries, or portions thereof as additions to the system, the secretary shall study and submit to the Governor and the Legislature a report that analyzes the suitability or nonsuitability of the proposed designation. The suitability analysis contained in the report shall consider all of the following:

(1) The potential effects of the proposed designation on the ability of public agencies and utilities within the Mokelumne River watershed to meet current and projected future water requirements through the development of new and more reliable water supplies from the Mokelumne River and its tributaries. When considering projected future water requirements, the secretary shall only consider feasible projects to meet foreseeable demands.

(2) Any effects of climate change on river values described in Section 5093.50 and current and projected water supplies.

(3) The following feasibility studies and assessments included within the implementation plan of the Mokelumne Watershed Interregional Sustainability Evaluation, Final Report dated June 12, 2015: 7a, 7b, 7d, and 7f. The inclusion of these studies and assessments in this subdivision shall not be construed as an exemption from wild and scenic designation.

(4) The instances when the secretary has determined pursuant to Section 5093.55 that a water diversion facility may be constructed on a river or segment of a river that is part of the system.

(5) The instances when the State Water Resources Control Board has approved an application to appropriate water from a river or a segment of a river that is part of the system and what restrictions, if any, were placed on the appropriation of water as a result of the river or segment of a river's inclusion in the system.

(b) The report shall also include the information required in subdivision (b) of Section 5093.547 and the secretary's

recommendations and proposals with respect to the proposed designation.

(c) The report required for the portion of the Mokelumne River designated for potential addition to the system pursuant to Section 5093.549 shall be submitted to the Legislature and Governor no later than December 31, 2017, and shall include a clear recommendation on the suitability or nonsuitability for addition to the system of the designated portion of the Mokelumne River or any segment of that portion.

(d) ~~The~~ *A* study undertaken by the secretary pursuant to subdivision (a) shall provide for public input from a broad range of stakeholders.

(e) A report required to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(f) Until the completion of the study period and the implementation of any recommendation to add segments to the system, or December 31, 2021, whichever occurs first, no dam, reservoir, diversion, or other water impoundment facility may be constructed on any segment designated for study by the secretary as a potential addition to the system unless the secretary determines that the facility is needed to supply domestic water to the residents of the county or counties through which the river and segment flows and the secretary determines that the facility will not adversely affect the free-flowing condition and natural character of the river and segment. This subdivision shall not apply to, and shall not in any way affect, Amador Water Agency's water rights application 5647X03 pending before the State Water Resources Control Board.

(g) (1) The secretary shall develop a cost estimate of the study and report required by subdivision (c) and enter into a cost-sharing agreement with the Upper Mokelumne River Watershed Authority. The cost-sharing agreement shall require that the state pay not more than 50 percent of the cost of the study and report required by subdivision (c), with the remaining cost to be paid by the authority. The payment by the authority may consist of appropriated funds or a contribution of services.

(2) Nothing in this section shall preclude any private donations or contributions from interested parties to be used for the purposes of this subdivision.

SEC. 3. Section 5093.549 is added to the Public Resources Code, to read:

5093.549. The portion of the Mokelumne River, or any segment of that portion, located from one-half mile downstream of the Salt Springs 97-066 Dam to the upper extent of the Pardee Reservoir at the elevation of not less than 580 feet above mean sea level is hereby designated for potential addition to the system.

SEC. 4. Section 5093.56 of the Public Resources Code is amended to read:

5093.56. No department or agency of the state may assist or cooperate, whether by loan, grant, license, or otherwise, with any department or agency of the federal, state, or local government, in the planning or construction of a dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition and natural character of either of the following:

(a) The rivers and segments thereof designated in Section 5093.54 as included in the system.

(b) The portion of the Mokelumne River designated in Section 5093.549 for study by the secretary as a potential addition to the system until after the study period and implementation of any recommendations have been completed, or December 31, 2021, whichever occurs first. This subdivision shall not apply to, and shall not in any way affect, Amador Water Agency's water rights application 5647X03 pending before the State Water Resources Control Board.

SEC. 5. Due to the unique geographical features of the Mokelumne River and its tributaries, the Legislature hereby finds and declares that a special law is necessary and a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

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AMENDED IN ASSEMBLY AUGUST 26, 2015

SENATE BILL No. 20

Introduced by Senator Pavley

December 1, 2014

An act to ~~repeal and add Section 13752 of~~ *add Division 36 (commencing with Section 86000) to* the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 20, as amended, Pavley. ~~Wells: reports: public availability.~~ *California Water Resiliency Investment Act.*

Under existing law, various measures provide funding for water resources projects, facilities, and programs.

This bill would create the California Water Resiliency Investment Fund in the State Treasury and provide that moneys in the fund are available, upon appropriation by the Legislature, for the purpose of providing a more dependable water supply for California. This bill would create various accounts within the fund for prescribed purposes.

~~Existing law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or reperforates a well, to file a report of completion with the Department of Water Resources. Existing law prohibits those reports from being made available to the public, except under certain circumstances.~~

~~This bill would instead require the department to, upon request, make the reports available to the public. The bill would require the department to provide specified disclaimers when providing the reports to the public. The bill would authorize the department to charge a fee for the provision of a report to recover the department's costs, that does not exceed the reasonable costs to the department of providing the report. The bill~~

~~would require the release of a report to comply with the Information Practices Act of 1977 and would require the department to redact from the report specified information pertaining to the well owner. The bill would require a person who requests a report to provide his or her name, address, identification number from a government-issued source, as provided, and reason for making the request.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Division 36 (commencing with Section 86000) is added to the Water Code, to read:

DIVISION 36. CALIFORNIA WATER RESILIENCY INVESTMENT ACT

CHAPTER 1. GENERAL PROVISIONS

86000. This division shall be known and may be cited as the California Water Resiliency Investment Act.

86010. The Legislature finds and declares all of the following:

(a) California's extreme multiyear drought is raising significant concerns regarding the long-term dependability of water supplies that are critical to the state's residents, economy, and environment.

(b) Nearly three-quarters of California is impacted by the severe drought underscoring the need for additional statewide action.

(c) The 2015 water year was the driest winter in California's written record and water experts indicate that we could face multiyear droughts that extend years beyond any droughts previously experienced by the state.

(d) California could lose 25 percent of the Sierra snowpack by 2050 as a result of warmer weather, according to the department. Because the Sierra snowpack is our largest water reservoir, this loss will significantly reduce water supplies when Californians need them the most.

(e) By 2050, California is expected to add more than 10 million residents, placing even greater pressure on our water supplies.

(f) The current drought has had a disproportionate impact on disadvantaged communities. Falling groundwater levels in portions

of the state from reduced rainfall and increased groundwater pumping have left more than 2,000 wells dry or critically near dry, impacting more than 10,000 residents and with a disproportionate impact on disadvantaged communities.

(g) Furthermore, thousands of residents of disadvantaged communities lack access to a secure long-term supply of clean drinking water due to polluted groundwater and falling groundwater levels.

(h) Reduced streamflows and water for wildlife areas have had a severe impact on fish and wildlife populations, threatening some species with extinction.

(i) Reports by the Public Policy Institute of California and others indicate that state and local agencies face a multibillion dollar annual funding deficit in addressing the state's long-term water needs and that greater investments are needed to protect the state's economy and natural resources and to ensure that disadvantaged communities have access to safe drinking water.

(j) Enactment of Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, provided a critical down payment to address California's near-term and long-term water needs. Additional actions are needed now to ensure state and local agencies continue to make the needed investments to provide a more dependable water system to meet California's ongoing needs.

(k) To protect the public health and welfare and to protect residential, agricultural, commercial, and environmental uses of water, it is vital that state and local agencies have the resources they need to make responsible and reasonable investments in a more dependable water supply, including by making more efficient use of California's current sources of water.

Chapter 2. California Water Resiliency Investment Program

86020. (a) The California Water Resiliency Investment Fund is hereby created in the State Treasury. Moneys in the fund are available, upon appropriation by the Legislature, for the purpose of, and in held in trust for, providing a more dependable water supply for California.

(b) The following accounts are hereby created within the California Water Resiliency Investment Fund:

(1) The Emergency Drought Response and Recovery Account to support emergency actions to protect vulnerable populations from the severe impacts of droughts, including providing emergency drinking water and other residential water supplies, food assistance, employment training and placement, and other economic relief.

(2) The Integrated Regional Water Resiliency and Management Account to provide matching grants to local and regional agencies to increase regional self-reliance and result in integrated, multibenefit solutions for ensuring sustainable water resources. Eligible projects may include groundwater storage, wastewater recycling, stormwater capture, water conservation, flood management, and other water supply and quality projects.

(3) The Safe Drinking Water for Disadvantaged Communities Account to support planning, construction, operation, and maintenance of drinking water systems for disadvantaged communities.

(4) The Environmental Resilience and Recovery Account to provide funding to restore and protect fish and wildlife habitats and populations to avoid or reduce conflicts with water management systems. Funding from the account shall only be used for projects that will provide fisheries, wildlife, or ecosystems with benefits or improvements that are greater than required applicable environmental mitigation measures or compliance obligations and shall not be used to pay for the mitigation or environmental review costs of any current or proposed water supply project.

(5) The Smart Water Data Program Account to support improved data and information systems that enable better management of water resources and to further facilitate expansion of water markets.

~~SECTION 1. Section 13752 of the Water Code is repealed.~~

~~SEC. 2. Section 13752 is added to the Water Code, to read:~~

~~13752. (a) Upon request, the department shall make available to the public a report made in accordance with paragraph (1) of subdivision (b) of Section 13751.~~

~~(b) When providing a report to the public pursuant to subdivision (a), the department shall also provide a statement that includes all of the following:~~

~~(1) The information provided in a report varies in accuracy, scale, origin, and completeness.~~

~~(2) The information is provided without warranty of the suitability of the information for any particular purpose.~~

~~(3) Use of the information in the report may require professional interpretation or judgment.~~

~~(4) Any use of the information provided in a report is at the user's own risk.~~

~~(c) (1) The department may charge a fee for the provision of a report to recover the department's costs, that does not exceed the reasonable costs to the department of providing the report pursuant to this section. These costs may include the costs of promulgating regulations to implement this section.~~

~~(2) The release of a report in possession of the department shall comply with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).~~

~~(3) Prior to releasing a report pursuant to this section, the department shall redact from the report the name and address of the well owner.~~

~~(d) (1) A person making a request pursuant to subdivision (a) shall, on a form provided by the department, provide his or her name, address, identification number from an identification card issued pursuant to Section 13000 of the Vehicle Code, driver's license, or passport, and reason for making the request.~~

~~(2) The department shall maintain copies of the forms submitted pursuant to paragraph (1) for five years.~~

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AUTHENTICATED
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II

114TH CONGRESS
1ST SESSION

S. 1837

To provide drought assistance and improved water supply reliability to the State of California, other western States, and the Nation.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2015

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To provide drought assistance and improved water supply reliability to the State of California, other western States, and the Nation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Drought Recovery and Resilience Act of 2015".

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

Sec. 1. Short title; table of contents; findings.

TITLE I—EMERGENCY DROUGHT RESPONSE APPROPRIATIONS FROM RECLAMATION FUND

Sec. 101. Appropriations to be derived from Reclamation Fund.

Sec. 102. Supplemental appropriations for drought relief.
Sec. 103. Supplemental appropriations for the Environmental Protection Agency.
Sec. 104. Supplemental appropriations for the Water Infrastructure Finance and Innovation Act program.

TITLE II—NEW WATER INFRASTRUCTURE PROGRAM AUTHORIZATIONS

Subtitle A—New Water Recycling and Reclamation Program Through EPA

Sec. 201. Short title; findings; purposes.
Sec. 202. National Water Recycling and Reclamation Program.

Subtitle B—Reclamation Infrastructure Finance and Innovation Act (RIFIA)

Sec. 210. Short title; purposes; definitions.

CHAPTER 1—INNOVATIVE FINANCING

Sec. 211. Purposes.
Sec. 212. Authority to provide assistance.
Sec. 213. Applications.
Sec. 214. Eligibility for assistance.
Sec. 215. Determination of eligibility and project selection.
Sec. 216. Secured loans.
Sec. 217. Program administration.
Sec. 218. State and local permits.
Sec. 219. Regulations.
Sec. 220. Funding.
Sec. 221. Report to Congress.

CHAPTER 2—INTEGRATED REGIONAL WATER MANAGEMENT, RECLAMATION, AND RECYCLING PROJECTS

Sec. 231. Water storage projects.
Sec. 232. Authorization of appropriations.

CHAPTER 3—RECLAMATION TITLE TRANSFER PROGRAM

Sec. 241. Short title; definitions.
Sec. 242. Authorization of title transfer program.
Sec. 243. Compliance with environmental and historic preservation laws.
Sec. 244. Eligibility criteria.
Sec. 245. Liability.
Sec. 246. Benefits.
Sec. 247. Compliance with other laws.
Sec. 248. Authorization of appropriations.
Sec. 249. Termination of authority.

Subtitle C—Innovative Stormwater Capture Program

Sec. 251. Short title.
Sec. 252. Purposes and findings.
Sec. 253. Definitions.
Sec. 254. Centers of Excellence for innovative stormwater control infrastructure.
Sec. 255. Innovative stormwater control infrastructure project grants.

Sec. 256. Environmental Protection Agency innovative stormwater control infrastructure promotion.
Sec. 257. Report to Congress.
Sec. 258. Authorization of appropriations.

TITLE III—IMPROVED INFRASTRUCTURE AND WATER MANAGEMENT

Subtitle A—Restoring America's Watersheds and Increasing Water Yields

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Water Source Protection Program.
Sec. 304. Watershed Condition Framework.
Sec. 305. Forest Service Legacy Roads and Trails Remediation Program.
Sec. 306. Reauthorization of the Collaborative Forest Landscape Restoration Fund.

Subtitle B—Reservoir Operation Improvement

Sec. 311. Short title.
Sec. 312. Projects, plans, and reports.

Subtitle C—Reclamation Projects for Renewable Energy To Reduce Evaporation Loss

Sec. 320. Findings and purpose.
Sec. 321. Definitions.
Sec. 322. Evaluation and report.
Sec. 323. Development of solar and wind energy on covered land.
Sec. 324. Royalties.
Sec. 325. Disposition of royalty revenue.

Subtitle D—Improved Reclamation Crop Data

Sec. 331. Definitions.
Sec. 332. Determination of planting of water-intense permanent crops.
Sec. 333. Report related to water-intense permanent crops.

Subtitle E—Improved Oversight of State Injection Wells

Sec. 341. Amendment to the Safe Drinking Water Act.

Subtitle F—Combating Water Theft for Illegal Marijuana Cultivation

Sec. 351. Policy directive on illegal water diversion for marijuana cultivation.
Sec. 352. Environmental reporting requirements for Domestic Cannabis Eradication program.
Sec. 353. Trespass marijuana location registry.
Sec. 354. Funding for remediation of trespass marijuana sites.
Sec. 355. Voluntary guidelines.
Sec. 356. Research program.

Subtitle G—SECURE Water Amendments

Sec. 361. Authorized activities; eligibility; authorization of appropriations.
Sec. 362. Authorization of appropriations for national water availability and use assessment program.

Subtitle H—Refundable Tax Credit for Water-Harvesting Systems

Sec. 371. Refundable tax credit for water-harvesting systems.

Subtitle I—Funding for Construction for Additional Project Benefits

Sec. 381. Funding for construction for additional project benefits.

Subtitle J—Open Water Data System

Sec. 391. Open water data system.

TITLE IV—PLANNING FOR THE FUTURE

Subtitle A—X-Prize for Desalination Breakthroughs

Sec. 401. Short title.
Sec. 402. Water technology award program.

Subtitle B—Drought Planning Assistance Through NRCS and Reclamation

Sec. 411. Drought Planning Assistance through NRCS and Reclamation.

Subtitle C—Drought Preparedness for Fisheries

Sec. 421. Drought Preparedness for Fisheries.

Subtitle D—National Emergency Planning Response

Sec. 431. National Emergency Planning Response.

Subtitle E—Military Preparedness for Desalination

Sec. 441. Report on desalinization technology.

(c) FINDINGS.—Congress finds the following:

(1) That, as expressed in the Water Supply Act of 1958, Congress has recognized the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes, and that the Federal Government should participate and cooperate in these projects.

(2) That there is a long and robust legal precedent of Federal deference to State primacy in water law and the legal system that States establish for re-

1 solving disputes over water use, with the Supreme
2 Court finding in Kansas v. Colorado that "Congress
3 cannot enforce either rule upon any state" in mat-
4 ters of the right regulation of water rights.

5 (3) That, as established in the Proclamation of
6 a State of Emergency issued by the Governor of the
7 State of California on January 17, 2014, California
8 is experiencing record dry conditions, all regions of
9 the State are impacted by the drought, and these ex-
10 tremely dry conditions have persisted since 2012 and
11 are likely to persist beyond this year and more regu-
12 larly into the future.

13 (4) That the State of California is not alone in
14 the prospects for long-term drought, and that the
15 entire American West and Southwest are facing
16 forecasts of prolonged droughts that will leave States
17 facing major water shortages and catastrophic
18 wildfires.

19 (5) That the prolonged period of drought in the
20 American West has also occurred with higher tem-
21 peratures throughout the State of California, reduc-
22 ing snowpack and leading to what climate scientists
23 conclude may be the most severe drought in over
24 1,200 years.

1 (6) That the Colorado River has been under
2 drought conditions since 2000, and that the chances
3 of a "megadrought" striking the Southwest and cen-
4 tral Great Plains are on the rise according to fore-
5 casts from climate scientists.
6 (7) That the United States should utilize all ex-
7 isting authorities and resources made available by
8 the Agricultural Act of 2014, that over $500 million
9 in assistance has already been dedicated to assisting
10 agricultural users and rural communities in Cali-
11 fornia and other drought-impacted areas, and that
12 the United States Department of Agriculture should
13 continue to prioritize such assistance to bring relief
14 to drought-impacted areas.
15 (8) That this drought emergency requires an
16 immediate and credible response that respects State,
17 local, and tribal law, and that the policies that re-
18 spond to the drought should not pit State against
19 State, region against region, or stakeholders against
20 one another.
21 (9) That Federal agencies should continue to
22 operate the Bureau of Reclamation's Central Valley
23 Project in California in compliance with all Federal
24 and State laws, including biological opinions, while
25 working with the State to maximize operational

1 flexibility in order to deliver as much water as rea-
2 sonably possible to drought-impacted areas and min-
3 imize the harm suffered by fish and wildlife as a re-
4 sult of the drought.

5 (10) That Congress recognizes the range of sep-
6 arate, distinct Federal agencies with authorities and
7 resources that play a role in water supply, including
8 treatment and remediation of groundwater, surface
9 water storage, water recycling and reuse, and other
10 clean water infrastructure, and that to avoid dupli-
11 cation and ensure the efficiency and effectiveness of
12 these various Federal roles, there is a need for im-
13 proved coordination, streamlining, and collaboration,
14 both among Federal agencies and with drought-im-
15 pacted States and localities.

16 (11) That it is the policy of the United States
17 to respect California's coequal goals, established by
18 the Delta Reform Act of 2009, of providing a more
19 reliable water supply for California and protecting,
20 restoring, and enhancing the Delta ecosystem, and
21 that these coequal goals shall be achieved in a man-
22 ner that protects and enhances the unique cultural,
23 recreational, natural resource, and agricultural val-
24 ues of the Delta as an evolving place.

1 (12) That the State of California, in CA Water
2 Code Section 85021, has established a policy to re-
3 duce reliance on the Delta in meeting California's
4 future water supply needs through a statewide strat-
5 egy of investing in improved regional supplies, con-
6 servation, and water use efficiency, that California
7 law directs each region that depends on water from
8 the Delta watershed to improve its regional self-reli-
9 ance for water through investment in water use effi-
10 ciency, water recycling, advanced water technologies,
11 local and regional water supply projects, and im-
12 proved regional coordination of local and regional
13 water supply efforts, and that it is the intent of
14 Congress to ensure that Federal programs, policies,
15 and investments respect and compliment, and do not
16 undermine or conflict with, California's policy of re-
17 ducing reliance on Delta diversions.
18 (13) That the Reclamation Fund was estab-
19 lished in 1902 with the expressed purpose of pro-
20 viding for the construction and maintenance of
21 water infrastructure for the economic development of
22 the western States and territories, with revenues de-
23 posited into the fund out of public land sales within
24 these western States and territories.

(14) That since 1902, the Reclamation Fund has been supplemented with additional revenues from Federal water resources development and mineral and natural resource leases on Federal lands, such that the surplus within the Reclamation Fund now exceeds $10 billion.

(15) That the Reclamation Fund represents a transfer of a portion of receipts from Federal lands and Federal natural resources in the West back to the West for water development, and that in this time of drought the Reclamation Fund's surplus should be used to assist the West in meeting its water needs for public health and safety, for expanding water recycling, reuse, and reclamation, for meeting the emergency needs of communities impacted by the drought, and for developing long-term solutions to meet the impacts of climate change on this already arid region of the country.

TITLE I—EMERGENCY DROUGHT RESPONSE APPROPRIATIONS FROM RECLAMATION FUND

SEC. 101. APPROPRIATIONS TO BE DERIVED FROM RECLAMATION FUND.

Amounts made available under this title shall be derived from the reclamation fund established by section 1

1 of the Act of June 17, 1902 (42 U.S.C. 391; popularly
2 known as the "Reclamation Act"), and shall remain avail-
3 able until expended.

4 **SEC. 102. SUPPLEMENTAL APPROPRIATIONS FOR**
5 **DROUGHT RELIEF.**

6 (a) IN GENERAL.—Subject to subsection (b), the fol-
7 lowing sums are appropriated, out of any money in the
8 Treasury not otherwise appropriated, for fiscal year 2015:

9 (1) WATER AND RELATED RESOURCES.—For
10 an additional amount for "Department of the Inte-
11 rior—Bureau of Reclamation—Water and Related
12 Resources", $300,000,000, of which not less than
13 $100,000,000 shall be for water reclamation and
14 reuse projects authorized under title XVI of Public
15 Law 102–575; of which not less than $100,000,000
16 shall be for WaterSMART for assistance under the
17 Reclamation States Emergency Drought Relief Act
18 of 1991 (43 U.S.C. 2201 et seq.); and of which not
19 less than $50,000,000 shall be for water acquisition,
20 water conveyance, and facilities construction under
21 the Refuge Water Supply Program: *Provided*, That
22 funds provided under this heading may be used for
23 recycled water projects without regard to whether
24 such projects are otherwise authorized under law:
25 *Provided further*, That sufficient funds are spent on

1 the completion of CALFED feasibility studies de-
2 scribed in section 103(d)(1)(A) of Public Law 108–
3 361 (118 Stat. 1684) that have the financing and
4 feasibility to be under construction within 10 years,
5 and that for the purposes of this Act the Federal
6 cost share of such feasibility studies shall be no less
7 than 75 percent and that the cost share waiver for
8 such feasibility studies shall extend to December 31,
9 2017.

10 (2) HAZARDOUS SUBSTANCE SUPERFUND.—For
11 an additional amount for "Environmental Protection
12 Agency—Hazardous Substance Superfund",
13 $300,000,000 for the cleanup of polluted ground-
14 water supplies.

15 (3) RURAL WATER AND WASTE DISPOSAL PRO-
16 GRAM ACCOUNT.—For an additional amount for
17 "Department of Agriculture—Rural Utilities Serv-
18 ice—Rural Water and Waste Disposal Program Ac-
19 count", $5,000,000 for the cost of direct and guar-
20 anteed loans and grants for the rural water, waste-
21 water, and waste disposal programs authorized by
22 sections 306 and 310B or described in section
23 381E(d)(2) of the Consolidated Farm and Rural De-
24 velopment Act.

1 (4) DRUG ENFORCEMENT ADMINISTRATION.—
2 For an additional amount for "Department of Jus-
3 tice—Drug Enforcement Administration",
4 $3,000,000 for the Domestic Cannabis Eradication
5 and Suppression Program to assist State or local
6 law enforcement agencies in the suppression of can-
7 nabis operations that are conducted on public lands
8 or that intentionally trespass on the property of an-
9 other that also divert, redirect, obstruct, drain, or
10 impound water supply.
11 (5) ARMY CORPS OF ENGINEERS.—For an addi-
12 tional amount for the Army Corps of Engineers,
13 $40,000,000 to carry out section 5039 of the Water
14 Resources and Development Act of 2007 (33 U.S.C.
15 2201 et seq.).
16 (6) LAND AND WATER CONSERVATION FUND.—
17 For an additional amount for "Land and Water
18 Conservation Fund", $100,000,000 for the imple-
19 mentation of projects under the Land and Water
20 Conservation Fund Act of 1965 in drought-affected
21 States that reduce fire risk, improve water quality or
22 downstream water quantity, or expand ground water
23 recharge capacity.
24 (7) LOW-INCOME MIGRANT AND SEASONAL
25 FARMWORKERS.—For an additional amount for the

1 Department of Agriculture, $25,000,000 for emer-
2 gency grants to assist low-income migrant and sea-
3 sonal farmworkers under section 2281 of the Food,
4 Agriculture, Conservation, and Trade Act of 1990
5 (42 U.S.C. 5177a) to address impacts of drought
6 upon declaration of a natural disaster under section
7 321(a) of the Consolidated Farm and Rural Devel-
8 opment Act (7 U.S.C. 1961(a)) or for the same pur-
9 poses in counties that are contiguous to a designated
10 natural disaster area.

11 (b) DROUGHT PRIORITIZATION.—Each amount ap-
12 propriated under subsection (a) shall be used in States
13 impacted by drought, with an emphasis on projects that
14 will provide additional water supplies most expeditiously
15 to areas at risk of having an inadequate supply of water
16 for public health and safety purposes or to improve resil-
17 iency to drought, or projects that provide relief to drought-
18 affected communities facing unemployment and economic
19 dislocation.

20 (c) EMERGENCY DESIGNATION.—Each amount ap-
21 propriated under subsection (a) is designated by the Con-
22 gress as being for an emergency requirement pursuant to
23 section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

25 (d) GAO STUDY.—

1 (1) IN GENERAL.—The Comptroller General
2 shall conduct a comprehensive study on Federal in-
3 vestments in clean water and wastewater infrastruc-
4 ture, addressing duplicative and fragmented pro-
5 grams. The report shall include—
6 (A) a description of how Federal agencies,
7 including the Army Corps of Engineers, the En-
8 vironmental Protection Agency, the Bureau of
9 Reclamation, the Rural Utilities Service, and
10 other relevant agencies, coordinate their efforts
11 to address nationally, regionally, or locally iden-
12 tified needs or priorities in an efficient and ef-
13 fective manner; and
14 (B) an evaluation of the adequacy of Fed-
15 eral coordination in meeting the needs of tribal
16 lands.
17 (2) REPORT TO CONGRESS.—Not later than 1
18 year after the date of the enactment of this Act, the
19 Comptroller General shall submit to Congress a re-
20 port containing the results of the study required
21 under paragraph (1) and any recommendations
22 based on such study.

1 **SEC. 103. SUPPLEMENTAL APPROPRIATIONS FOR THE EN-**
2 **VIRONMENTAL PROTECTION AGENCY.**

3 The following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for fis-
5 cal year 2015:

6 ENVIRONMENTAL PROTECTION AGENCY

7 STATE AND TRIBAL ASSISTANCE GRANTS

8 For an additional amount for "State and Tribal As-
9 sistance Grants", $500,000,000, of which $400,000,000
10 shall be for making capitalization grants for the State
11 water pollution control revolving funds under title VI of
12 the Federal Water Pollution Control Act; and of which
13 $100,000,000 shall be for making capitalization grants for
14 the State drinking water treatment revolving loan funds
15 under section 1452 of the Safe Drinking Water Act: *Pro-*
16 *vided*, That notwithstanding the time period specified in
17 section 603(d)(1)(A) of the Federal Water Pollution Con-
18 trol Act and section 1452(f)(1)(B)(i) of the Safe Drinking
19 Water Act, loans made by such funds shall be authorized
20 for 40-year terms: *Provided further*, That notwithstanding
21 the formula or allotments set forth in section 604 of the
22 Federal Water Pollution Control Act and section
23 1452(a)(1)(D) of the Safe Drinking Water Act, loans
24 made by such funds shall be distributed based on an as-
25 sessment of the immediate need in States impacted by
26 drought, with an emphasis on projects that will provide

1 additional water supplies most expeditiously to areas that
2 are at risk of having an inadequate supply of water for
3 public health and safety purposes or to improve resiliency
4 to drought, including projects to increase efficiency and
5 conservation by end users: *Provided further*, That to the
6 maximum extent practicable, highest priority to the loans
7 made with such funds shall be given to projects that have
8 been approved by, and have previously received funding
9 from, State and local water agencies: *Provided further*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 **SEC. 104. SUPPLEMENTAL APPROPRIATIONS FOR THE**
15 **WATER INFRASTRUCTURE FINANCE AND IN-**
16 **NOVATION ACT PROGRAM.**

17 The following sums are appropriated, out of any
18 money in the Treasury not otherwise appropriated, for fis-
19 cal year 2015:

20 ENVIRONMENTAL PROTECTION AGENCY

21 STATE AND TRIBAL ASSISTANCE GRANTS

22 For an additional amount for "State and Tribal As-
23 sistance Grants", $20,000,000 to carry out the Water In-
24 frastructure Finance and Innovation Act of 2014: *Pro-*
25 *vided*, That loans made by such funds shall be distributed

1 based on an assessment of the immediate need in States
2 impacted by drought, with an emphasis on projects that
3 will provide additional water supplies most expeditiously
4 to areas that are at risk of having an inadequate supply
5 of water for public health and safety purposes or to im-
6 prove resiliency to drought, including projects to increase
7 efficiency and conservation by end users: *Provided further*,
8 That the limitations imposed by sections 5028(a)(5) and
9 5029(b)(2)(A) of the Water Resources Reform and Devel-
10 opment Act of 2014 shall not apply with respect to a
11 project receiving such funds in any State with a drought
12 declaration: *Provided further*, That notwithstanding sec-
13 tion 5029(b)(4) of the Water Resources Reform and De-
14 velopment Act of 2014, the interest rate for a secured loan
15 under this section shall be not more than the yield on
16 United States Treasury securities of a similar maturity
17 to the maturity of the secured loan on the date of execu-
18 tion of the loan agreement: *Provided further*, That not-
19 withstanding section 5028(a)(2)(A) of the Water Re-
20 sources Reform and Development Act of 2014, the eligible
21 project costs of a project shall be reasonably anticipated
22 to be not less than $10,000,000: *Provided further*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 TITLE II—NEW WATER INFRA-
4 STRUCTURE PROGRAM AU-
5 THORIZATIONS

6 Subtitle A—New Water Recycling
7 and Reclamation Program
8 Through EPA

9 SEC. 201. SHORT TITLE; FINDINGS; PURPOSES.

10 (a) SHORT TITLE.—This subtitle may be cited as the
11 "National Water Recycling and Reclamation Act of
12 2015".

13 (b) FINDINGS.—Congress finds that—

14 (1) water supply, wastewater, sanitation, and
15 sewage agencies across the Nation are developing
16 and investing in water reuse and recycling projects;

17 (2) almost 900,000 acre-feet of annual water
18 supply are in development through these projects
19 and could be expeditiously constructed with in-
20 creased Federal investment; and

21 (3) in California alone, there are water reuse
22 and recycling projects that could add over 500,000
23 acre-feet of annual water supply.

1 (c) PURPOSES.—It is the purpose of this subtitle to
2 expand investments in water reuse and recycling projects
3 nationwide.

4 **SEC. 202. NATIONAL WATER RECYCLING AND RECLAMA-**
5 **TION PROGRAM.**

6 (a) ESTABLISHMENT.—The Administrator of the En-
7 vironmental Protection Agency shall establish and carry
8 out a National Water Recycling and Reclamation Program
9 to provide grants to eligible entities for water recycling
10 and reclamation projects.

11 (b) DEFINITIONS.—In this section, the following defi-
12 nitions apply:

13 (1) ELIGIBLE COSTS.—The term "eligible
14 costs" means amounts substantially all of which are
15 paid by, or for the account of, an eligible entity in
16 connection with a project, including the cost of—

17 (A) development phase activities, including
18 planning, feasibility analysis, revenue fore-
19 casting, environmental review, permitting, pre-
20 liminary engineering and design work, and
21 other preconstruction activities;

22 (B) construction, reconstruction, rehabili-
23 tation, replacement, and acquisition of real
24 property (including land related to the project
25 and improvements to land), environment miti-

1 gation, construction contingencies, and acquisi-
2 tion of equipment;
3 (C) capitalized interest necessary to meet
4 market requirements, reasonably required re-
5 serve funds, capital issuance expenses, and
6 other carrying costs during construction; and
7 (D) reimbursement for costs described in
8 subparagraphs (A) through (C) incurred prior
9 to the date of enactment of this Act.
10 (2) ELIGIBLE ENTITY.—The term "eligible enti-
11 ty" means a corporation, partnership, joint venture,
12 trust, public or investor-owned utility, private entity,
13 government entity, agency, or instrumentality, tribal
14 government, or any other reclamation and reuse en-
15 tity, as determined by the Administrator.
16 (3) PROGRAM.—The term "program" means
17 the National Water Recycling and Reclamation Pro-
18 gram established under this section.
19 (c) ELIGIBILITY.—
20 (1) PROJECT COSTS.—To be eligible for assist-
21 ance under the program, a water recycling and rec-
22 lamation project shall have total eligible costs that
23 are reasonably anticipated to exceed $1,000,000.
24 (2) PROJECT SPONSOR.—To be eligible for as-
25 sistance under the program, a water recycling and

1 reclamation project shall have a project sponsor
2 that—
3 (A) is an eligible entity;
4 (B) submits to the Administrator an appli-
5 cation for the project; and
6 (C) demonstrates a source for non-Federal
7 revenues that is sufficient to satisfy the non-
8 Federal share of the cost of the project.
9 (d) COMPETITIVE GRANT SELECTION.—
10 (1) IN GENERAL.—The Administrator shall—
11 (A) establish criteria for selecting among
12 projects that meet the eligibility criteria speci-
13 fied in subsection (c);
14 (B) conduct a national solicitation for ap-
15 plications; and
16 (C) award grants on a competitive basis.
17 (2) SELECTION CRITERIA.—The selection cri-
18 teria shall include the following:
19 (A) The extent to which the project ad-
20 dresses near- and long-term water demand and
21 supply, protects the environment, or otherwise
22 enhances the overall water reclamation and
23 reuse system.
24 (B) The extent to which the project en-
25 hances the return on the Federal investment

1 through the production of new, highly renew-
2 able water supplies.
3 (C) The likelihood that financial assistance
4 under the program will enable the project to
5 proceed at an earlier date than the project
6 would otherwise be able to proceed.
7 (D) The extent to which the project uses
8 measures that enhance the efficiency of the
9 project.
10 (3) DEADLINES.—The Administrator shall—
11 (A) publish the selection criteria under
12 paragraph (1) in the Federal Register not later
13 than 90 days after the date of enactment of
14 this Act;
15 (B) require that applications seeking finan-
16 cial assistance under the program be submitted
17 not later than 180 days after the date of publi-
18 cation of the selection criteria under subpara-
19 graph (A); and
20 (C) provide notice of approved project ap-
21 plications under the program not later than 1
22 year after the date of enactment of this Act.
23 (e) FEDERAL SHARE.—The Federal share of the cost
24 of a project receiving financial assistance under the pro-
25 gram may not exceed 80 percent.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—There is authorized to be
3 appropriated to carry out this section $500,000,000
4 for each of fiscal years 2016 through 2020. Such
5 sums shall remain available until expended.

6 (2) ADMINISTRATIVE EXPENSES.—From funds
7 made available to carry out this section for a fiscal
8 year, the Administrator may use not to exceed 2
9 percent of the funds for the costs of administering
10 this section.

11 (g) REPORTS TO CONGRESS.—Not later than October
12 1, 2016, and every 2 years thereafter, the Administrator
13 shall submit to Congress a report summarizing the finan-
14 cial performance of projects that are receiving, or have re-
15 ceived, assistance under the program.

16 (h) REGULATIONS.—The Administrator may issue
17 such regulations as the Administrator determines appro-
18 priate to carry out this section.

19 (i) FAILURE TO MEET DEADLINE.—If the Adminis-
20 trator does not meet a deadline under subsection (d)(3),
21 the Administrator shall transfer all funds made available
22 for the program so as to make such funds available for
23 the purpose of making capitalization grants for water re-
24 cycling and reclamation projects under the State water
25 pollution revolving loan fund program under title VI of

1 the Federal Water Pollution Control Act (33 U.S.C. 1381
2 et seq.) and the State drinking water treatment revolving
3 loan fund program under section 1452 of the Safe Drink-
4 ing Water Act (42 U.S.C. 300j–12).

5 Subtitle B—Reclamation Infra-
6 structure Finance and Innova-
7 tion Act (RIFIA)

8 **SEC. 210. SHORT TITLE; PURPOSES; DEFINITIONS.**

9 (a) SHORT TITLE.—This subtitle may be cited as the
10 "Reclamation Infrastructure Finance and Innovation Act"
11 or "RIFIA".

12 (b) PURPOSES.—The purposes of this subtitle are—

13 (1) to promote increased development of critical
14 water resources infrastructure by establishing addi-
15 tional opportunities for financing water resources
16 projects;

17 (2) to attract new investment capital to infra-
18 structure projects that are capable of generating rev-
19 enue streams through user fees or other dedicated
20 funding sources;

21 (3) to complement existing Federal funding
22 sources and address budgetary constraints on Bu-
23 reau of Reclamation programs; and

24 (4) to leverage private investment in water re-
25 sources infrastructure, with the goal of every $100

1 million in secured loans being leveraged for $1 bil-
2 lion in water in water infrastructure financing.
3 (c) DEFINITIONS.—In this subtitle:
4 (1) ELIGIBLE ENTITY.—The term "eligible enti-
5 ty" means—
6 (A) a corporation;
7 (B) a partnership;
8 (C) a joint venture;
9 (D) a trust;
10 (E) a State or local governmental entity,
11 agency, or instrumentality; and
12 (F) a conservancy district, irrigation dis-
13 trict, canal company, mutual water company,
14 water users' association, Indian tribe, agency
15 created by interstate compact, or any other en-
16 tity that has the capacity to contract with the
17 United States under Federal reclamation law.
18 (2) FEDERAL CREDIT INSTRUMENT.—The term
19 "Federal credit instrument" means a secured loan,
20 loan guarantee, or other credit enhancement author-
21 ized to be made available under this subtitle with re-
22 spect to a project.
23 (3) INVESTMENT-GRADE RATING.—The term
24 "investment-grade rating" means a rating of BBB

1 minus, Baa3, bbb minus, BBB (low), or higher as
2 assigned by a rating agency to project obligations.
3 (4) LENDER.—
4 (A) IN GENERAL.—The term "lender"
5 means any non-Federal qualified institutional
6 buyer (as defined in section 230.144A(a) of
7 title 17, Code of Federal Regulations (or a suc-
8 cessor regulation) (commonly known as "Rule
9 144A(a) of the Securities and Exchange Com-
10 mission" and issued under the Securities Act of
11 1933 (15 U.S.C. 77a et seq.))).
12 (B) INCLUSIONS.—The term "lender" in-
13 cludes—
14 (i) a qualified retirement plan (as de-
15 fined in section 4974 of the Internal Rev-
16 enue Code of 1986) that is a qualified in-
17 stitutional buyer; and
18 (ii) a governmental plan (as defined in
19 section 414 of the Internal Revenue Code
20 of 1986) that is a qualified institutional
21 buyer.
22 (5) LOAN GUARANTEE.—The term "loan guar-
23 antee" means any guarantee or other pledge by the
24 Secretary to pay all or part of the principal of, and

1 interest on, a loan or other debt obligation issued by
2 an obligor and funded by a lender.
3 (6) OBLIGOR.—The term "obligor" means an
4 eligible entity that is primarily liable for payment of
5 the principal of, or interest on, a Federal credit in-
6 strument.
7 (7) PROJECT OBLIGATION.—
8 (A) IN GENERAL.—The term "project obli-
9 gation" means any note, bond, debenture, or
10 other debt obligation issued by an obligor in
11 connection with the financing of a project.
12 (B) EXCLUSION.—The term "project obli-
13 gation" does not include a Federal credit in-
14 strument.
15 (8) RATING AGENCY.—The term "rating agen-
16 cy" means a credit rating agency registered with the
17 Securities and Exchange Commission as a nationally
18 recognized statistical rating organization (as defined
19 in section 3(a) of the Securities Exchange Act of
20 1934 (15 U.S.C. 78c(a))).
21 (9) RECLAMATION STATE.—The term "Rec-
22 lamation State" means any of the States of—
23 (A) Arizona;
24 (B) California;
25 (C) Colorado;

1 (D) Idaho;
2 (E) Kansas;
3 (F) Montana;
4 (G) Nebraska;
5 (H) Nevada;
6 (I) New Mexico;
7 (J) North Dakota;
8 (K) Oklahoma;
9 (L) Oregon;
10 (M) South Dakota;
11 (N) Texas;
12 (O) Utah;
13 (P) Washington; and
14 (Q) Wyoming.
15 (10) SECRETARY.—The term "Secretary"
16 means the Secretary of the Interior.
17 (11) SECURED LOAN.—The term "secured
18 loan" means a direct loan or other debt obligation
19 issued by an obligor and funded by the Secretary in
20 connection with the financing of a project under
21 chapter 1.
22 (12) SUBSIDY AMOUNT.—The term "subsidy
23 amount" means the amount of budget authority suf-
24 ficient to cover the estimated long-term cost to the
25 Federal Government of a Federal credit instrument,

1 as calculated on a net present value basis, excluding
2 administrative costs and any incidental effects on
3 Governmental receipts or outlays in accordance with
4 the Federal Credit Reform Act of 1990 (2 U.S.C.
5 661 et seq.).

6 (13) SUBSTANTIAL COMPLETION.—The term
7 "substantial completion", with respect to a project,
8 means the earliest date on which a project is consid-
9 ered to perform the functions for which the project
10 is designed.

11 CHAPTER 1—INNOVATIVE FINANCING

12 SEC. 211. PURPOSES.

13 The purposes of this chapter are—

14 (1) to promote increased development of critical
15 water resources infrastructure by establishing addi-
16 tional opportunities for financing water resources
17 projects;

18 (2) to attract new investment capital to infra-
19 structure projects that are capable of generating rev-
20 enue streams through user fees or other dedicated
21 funding sources;

22 (3) to complement existing Federal funding
23 sources and address budgetary constraints on Bu-
24 reau of Reclamation programs; and

1 (4) to leverage private investment in water re-
2 sources infrastructure.

3 **SEC. 212. AUTHORITY TO PROVIDE ASSISTANCE.**

4 (a) IN GENERAL.—The Secretary may provide finan-
5 cial assistance to an eligible entity under this chapter to
6 carry out projects within—

7 (1) any Reclamation State;

8 (2) any other State in which the Bureau of
9 Reclamation is authorized to provide project assist-
10 ance; and

11 (3) the States of Alaska and Hawaii.

12 (b) SELECTION.—In selecting projects to receive fi-
13 nancial assistance under subsection (a), the Secretary
14 shall ensure diversity with respect to—

15 (1) project types; and

16 (2) geographical locations.

17 **SEC. 213. APPLICATIONS.**

18 To be eligible to receive assistance under this chapter,
19 an eligible entity shall submit to the Secretary an applica-
20 tion at such time, in such manner, and containing such
21 information as the Secretary may require.

22 **SEC. 214. ELIGIBILITY FOR ASSISTANCE.**

23 (a) ELIGIBLE PROJECTS.—The following projects
24 may be carried out using assistance made available under
25 this chapter:

1 (1) A project for the reclamation and reuse of
2 municipal, industrial, domestic, and agricultural
3 wastewater, and naturally impaired ground, which
4 the Secretary, acting through the Commissioner of
5 Reclamation, is authorized to undertake.
6 (2) Any water infrastructure project not specifi-
7 cally authorized by law that—
8 (A) the Secretary determines, through the
9 completion of an appraisal investigation and
10 feasibility study, would contribute to a safe,
11 adequate water supply for domestic, agricul-
12 tural, environmental, or municipal and indus-
13 trial use; and
14 (B) is otherwise eligible for assistance
15 under this chapter.
16 (3) A new water infrastructure facility project,
17 including a water conduit, pipeline, canal, pumping,
18 power, and associated facilities.
19 (4) A project for enhanced energy efficiency in
20 the operation of a water system.
21 (5) A project for accelerated repair and replace-
22 ment of an aging water distribution facility.
23 (6) A brackish or sea water desalination
24 project.

1 (7) Acquisition of real property or an interest
2 in real property for water storage, reclaimed or recy-
3 cled water, or wastewater, if the acquisition is inte-
4 gral to a project described in paragraphs (1)
5 through (6).
6 (8) A combination of projects, each of which is
7 eligible under paragraphs (1) through (7), for which
8 an eligible entity submits a single application.
9 (b) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—For
10 purposes of this chapter, an eligible activity with respect
11 to an eligible project under subsection (a) includes the cost
12 of—
13 (1) development-phase activities, including plan-
14 ning, feasibility analysis, revenue forecasting, envi-
15 ronmental review, permitting, transaction costs, pre-
16 liminary engineering and design work, and other
17 preconstruction activities;
18 (2) construction, reconstruction, rehabilitation,
19 and replacement activities;
20 (3) the acquisition of real property (including
21 water rights, land relating to the project, and im-
22 provements to land), environmental mitigation, con-
23 struction contingencies, and acquisition of equip-
24 ment;

1 (4) capitalized interest necessary to meet mar-
2 ket requirements, reasonably required reserve funds,
3 capital issuance expenses, and other carrying costs
4 during construction;
5 (5) refinancing interim construction funding,
6 long-term project obligations, or a secured loan, loan
7 guarantee, or other credit enhancement made under
8 this chapter;
9 (6) reimbursement or success payments to any
10 public or private entity that achieves predetermined
11 outcomes on a pay-for-performance or pay-for-suc-
12 cess basis; and
13 (7) grants, loans, or credit enhancement for
14 community development financial institutions, green
15 banks, and other financial intermediaries providing
16 ongoing finance for projects that meet the purposes
17 of this chapter.

18 **SEC. 215. DETERMINATION OF ELIGIBILITY AND PROJECT**
19 **SELECTION.**

20 (a) ELIGIBILITY REQUIREMENTS.—To be eligible to
21 receive financial assistance under this chapter, a project
22 shall meet the following criteria, as determined by the Sec-
23 retary:
24 (1) CREDITWORTHINESS.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the project shall be creditworthy, as
3 determined by the Secretary, who shall ensure
4 that any financing for the project has appro-
5 priate security features, such as a rate cov-
6 enant, to ensure repayment.
7 (B) PRELIMINARY RATING OPINION LET-
8 TER.—The Secretary shall require each appli-
9 cant to provide a preliminary rating opinion let-
10 ter from at least 1 rating agency indicating that
11 the senior obligations of the project (which may
12 be the Federal credit instrument) have the po-
13 tential to achieve an investment-grade rating.
14 (2) ELIGIBLE PROJECT COSTS.—The eligible
15 project costs of a project and other projects in a wa-
16 tershed shall be reasonably anticipated to be not less
17 than $10,000,000.
18 (3) DEDICATED REVENUE SOURCES.—The Fed-
19 eral credit instrument for the project shall be repay-
20 able from dedicated revenue sources that also secure
21 the project obligations.
22 (4) PUBLIC SPONSORSHIP OF PRIVATE ENTI-
23 TIES.—In the case of a project carried out by an en-
24 tity that is not a State or local government or an

1 agency or instrumentality of a State or local govern-
2 ment, the project shall be publicly sponsored.
3 (b) SELECTION CRITERIA.—
4 (1) ESTABLISHMENT.—The Secretary shall es-
5 tablish criteria for the selection of projects that meet
6 the eligibility requirements of subsection (a), in ac-
7 cordance with paragraph (2).
8 (2) CRITERIA.—The selection criteria shall in-
9 clude the following:
10 (A) The extent to which the project is na-
11 tionally or regionally significant.
12 (B) The extent to which assistance under
13 this section would foster innovative public-pri-
14 vate partnerships and attract private debt or
15 equity investment.
16 (C) The likelihood that assistance under
17 this section would enable the project to proceed
18 at an earlier date than the project would other-
19 wise be able to proceed.
20 (D) The extent to which the project uses
21 new or innovative approaches.
22 (E) The extent to which projects track evi-
23 dence about the effectiveness of the one or more
24 projects financed and the availability of the evi-

1 dence and project information to the public to
2 facilitate replication.
3 (F) The amount of budget authority re-
4 quired to fund the Federal credit instrument
5 made available under this chapter.
6 (G) The extent to which the project helps
7 maintain or protect the environment.
8 (H) The extent to which the project sup-
9 ports the local economy and provides local jobs.
10 (3) PRIORITY.—The Secretary shall prioritize
11 projects that promote wastewater recycling, agricul-
12 tural or urban water conservation and efficiency,
13 stormwater capture, or other innovative projects that
14 reduce reliance on surface and groundwater supplies.
15 (c) RECEIPT OF OTHER FEDERAL FUNDING.—Re-
16 ceipt of a Federal grant or contract or other Federal fund-
17 ing to support an eligible project shall not preclude the
18 project from being eligible for assistance under this chap-
19 ter.
20 (d) FEDERAL REQUIREMENTS.—Nothing in this sec-
21 tion supersedes the applicability of other requirements of
22 Federal law (including regulations).
23 **SEC. 216. SECURED LOANS.**
24 (a) AGREEMENTS.—

1 (1) IN GENERAL.—Subject to paragraphs (2)
2 through (4), the Secretary may enter into agree-
3 ments with one or more obligors to make secured
4 loans, the proceeds of which shall be used—
5 (A) to finance eligible project costs of any
6 project selected under section 215;
7 (B) to refinance interim construction fi-
8 nancing of eligible project costs of any project
9 selected under section 215; or
10 (C) to refinance long-term project obliga-
11 tions or Federal credit instruments, if that refi-
12 nancing provides additional funding capacity for
13 the completion, enhancement, or expansion of
14 any project that—
15 (i) is selected under section 215; or
16 (ii) otherwise meets the requirements
17 of section 215.
18 (2) LIMITATION ON REFINANCING OF INTERIM
19 CONSTRUCTION FINANCING.—A secured loan under
20 paragraph (1) shall not be used to refinance interim
21 construction financing under paragraph (1)(B) later
22 than 1 year after the date of substantial completion
23 of the applicable project.
24 (3) RISK ASSESSMENT.—Before entering into
25 an agreement under this subsection for a secured

1 loan, the Secretary, in consultation with the Director
2 of the Office of Management and Budget and each
3 rating agency providing a preliminary rating opinion
4 letter under section 215(a)(1)(B), shall determine an
5 appropriate capital reserve subsidy amount for the
6 secured loan, taking into account each such prelimi-
7 nary rating opinion letter.

8 (4) INVESTMENT-GRADE RATING REQUIRE-
9 MENT.—The execution of a secured loan under this
10 section shall be contingent on receipt by the senior
11 obligations of the project of an investment-grade rat-
12 ing.

13 (b) TERMS AND LIMITATIONS.—

14 (1) IN GENERAL.—A secured loan provided for
15 a project under this section shall be subject to such
16 terms and conditions, and contain such covenants,
17 representations, warranties, and requirements (in-
18 cluding requirements for audits), as the Secretary
19 determines to be appropriate.

20 (2) MAXIMUM AMOUNT.—The amount of a se-
21 cured loan under this section shall not exceed the
22 lesser of—

23 (A) an amount equal to 100 percent of the
24 reasonably anticipated eligible project costs; and

1 (B) if the secured loan does not receive an
2 investment-grade rating, the amount of the sen-
3 ior project obligations of the project.
4 (3) PAYMENT.—A secured loan under this sec-
5 tion—
6 (A) shall be payable, in whole or in part,
7 from State or local taxes, user fees, or other
8 dedicated revenue sources that also secure the
9 senior project obligations of the relevant
10 project;
11 (B) shall include a rate covenant, coverage
12 requirement, or similar security feature sup-
13 porting the project obligations; and
14 (C) may have a lien on revenues described
15 in subparagraph (A), subject to any lien secur-
16 ing project obligations.
17 (4) INTEREST RATE.—The interest rate on a
18 secured loan under this section shall be not more
19 than the yield on United States Treasury securities
20 of a similar maturity to the maturity of the secured
21 loan on the date of execution of the loan agreement,
22 as determined by the Secretary.
23 (5) MATURITY DATE.—The final maturity date
24 of a secured loan under this section shall be not

1 later than 35 years after the expected date of sub-
2 stantial completion of the relevant project.
3 (6) NONSUBORDINATION.—A secured loan
4 under this section shall not be subordinated to the
5 claims of any holder of project obligations in the
6 event of bankruptcy, insolvency, or liquidation of the
7 obligor of the project.
8 (7) FEES.—The Secretary may establish fees
9 under section 217(b) at a level sufficient to cover all
10 or a portion of the costs to the Federal Government
11 of making a secured loan under this section.
12 (8) NON-FEDERAL SHARE.—The proceeds of a
13 secured loan under this section may be used to pay
14 any non-Federal share of project costs required if
15 the loan is repayable from non-Federal funds.
16 (c) REPAYMENT.—
17 (1) SCHEDULE.—The Secretary shall establish
18 a repayment schedule for each secured loan provided
19 under this section, based on the projected cash flow
20 from project revenues and other repayment sources.
21 (2) COMMENCEMENT.—Scheduled loan repay-
22 ment of principal or interest on a secured loan under
23 this section shall commence not later than 5 years
24 after the date of substantial completion of the
25 project.

1 (3) DEFERRED PAYMENTS.—

2 (A) AUTHORIZATION.—If, at any time
3 after the date of substantial completion of a
4 project for which a secured loan is provided
5 under this section, the project is unable to gen-
6 erate sufficient revenues to pay the scheduled
7 loan repayments of principal and interest on the
8 secured loan, the Secretary may allow the obli-
9 gor, subject to subparagraph (C), to add unpaid
10 principal and interest to the outstanding bal-
11 ance of the secured loan.

12 (B) INTEREST.—Any payment deferred
13 under subparagraph (A) shall—

14 (i) continue to accrue interest in ac-
15 cordance with subsection (b)(4) until fully
16 repaid; and

17 (ii) be scheduled to be amortized over
18 the remaining term of the secured loan.

19 (C) CRITERIA.—

20 (i) IN GENERAL.—Any payment defer-
21 ral under subparagraph (A) shall be con-
22 tingent on the project meeting such cri-
23 teria as the Secretary may establish.

24 (ii) REPAYMENT STANDARDS.—The
25 criteria established under clause (i) shall

1 include standards for reasonable assurance
2 of repayment.
3 (4) PREPAYMENT.—
4 (A) USE OF EXCESS REVENUES.—Any ex-
5 cess revenues that remain after satisfying
6 scheduled debt service requirements on the
7 project obligations and secured loan and all de-
8 posit requirements under the terms of any trust
9 agreement, bond resolution, or similar agree-
10 ment securing project obligations may be ap-
11 plied annually to prepay a secured loan under
12 this section without penalty.
13 (B) USE OF PROCEEDS OF REFI-
14 NANCING.—A secured loan under this section
15 may be prepaid at any time without penalty
16 from the proceeds of refinancing from non-Fed-
17 eral funding sources.
18 (d) SALE OF SECURED LOANS.—
19 (1) IN GENERAL.—Subject to paragraph (2), as
20 soon as practicable after the date of substantial
21 completion of a project and after providing a notice
22 to the obligor, the Secretary may sell to another en-
23 tity or reoffer into the capital markets a secured
24 loan for a project under this section, if the Secretary

1 determines that the sale or reoffering can be made
2 on favorable terms.
3 (2) CONSENT OF OBLIGOR.—In making a sale
4 or reoffering under paragraph (1), the Secretary
5 may not change the original terms and conditions of
6 the secured loan without the written consent of the
7 obligor.
8 (e) LOAN GUARANTEES.—
9 (1) IN GENERAL.—The Secretary may provide a
10 loan guarantee to a lender in lieu of making a se-
11 cured loan under this section, if the Secretary deter-
12 mines that the budgetary cost of the loan guarantee
13 is substantially the same as that of a secured loan.
14 (2) TERMS.—The terms of a loan guarantee
15 provided under this subsection shall be consistent
16 with the terms established in this section for a se-
17 cured loan, except that the rate on the guaranteed
18 loan and any prepayment features shall be nego-
19 tiated between the obligor and the lender, with the
20 consent of the Secretary.
21 **SEC. 217. PROGRAM ADMINISTRATION.**
22 (a) REQUIREMENT.—The Secretary shall establish a
23 uniform system to service the Federal credit instruments
24 made available under this chapter.
25 (b) CAPITAL RESERVE FUND.—

1 (1) IN GENERAL.—There is hereby established
2 in the Treasury of the United States the Reclama-
3 tion Loan Finance Capital Reserve Fund, which
4 shall be available for deposit of capital reserve fees
5 provided for under this subsection. Amounts depos-
6 ited shall be credited as offsetting collections.
7 (2) CAPITAL RESERVE FEES.—To the extent re-
8 quired by appropriations Acts, the Secretary may as-
9 sess, collect, and spend capital reserve fees at a level
10 that is sufficient to cover—
11 (A) the costs of services of expert firms re-
12 tained pursuant to subsection (d); and
13 (B) all or a portion of the costs to the
14 Federal Government of servicing the Federal
15 credit instruments provided under this chapter,
16 including all or a portion of the outlays associ-
17 ated with the provision of the Federal credit in-
18 struments under this chapter.
19 (3) DETERMINATION OF FEE AMOUNTS.—The
20 capital reserve fees shall be established at amounts
21 that will result in the collection, during each fiscal
22 year, of an amount that can be reasonably expected
23 to equal the outlays associated with the provision of
24 the Federal credit instruments under this chapter.
25 (c) SERVICER.—

1 (1) IN GENERAL.—The Secretary may appoint
2 a financial entity to assist the Secretary in servicing
3 the Federal credit instruments provided under this
4 chapter.
5 (2) DUTIES.—A servicer appointed under para-
6 graph (1) shall act as the agent for the Secretary.
7 (3) FEE.—A servicer appointed under para-
8 graph (1) shall receive a servicing fee, subject to ap-
9 proval by the Secretary.
10 (d) ASSISTANCE FROM EXPERTS.—The Secretary
11 may retain the services, including counsel, of any organi-
12 zation or entity with expertise in the field of municipal
13 and project finance to assist in the underwriting and serv-
14 icing of Federal credit instruments provided under this
15 chapter.
16 (e) LOAN COORDINATION; INTERAGENCY COOPERA-
17 TION.—The Secretary—
18 (1) shall coordinate implementation of loan
19 guarantees under this section with the Administrator
20 to avoid duplication and enhance the effectiveness of
21 implementation of the State revolving funds estab-
22 lished under the Federal Water Pollution Control
23 Act (33 U.S.C. 1251 et seq.) and the Safe Drinking
24 Water Act (42 U.S.C. 300f et seq.);

1 (2) shall consult with the Secretary of Agri-
2 culture before promulgating criteria with respect to
3 financial appraisal functions and loan guarantee ad-
4 ministration for activities carried out under this
5 chapter; and
6 (3) may enter into a memorandum of agree-
7 ment providing for Department of Agriculture finan-
8 cial appraisal functions and loan guarantee adminis-
9 tration for activities carried out under this chapter.
10 **SEC. 218. STATE AND LOCAL PERMITS.**
11 The provision of financial assistance for a project
12 under this chapter shall not—
13 (1) relieve any recipient of the assistance of any
14 obligation to obtain any required State or local per-
15 mit or approval with respect to the project;
16 (2) limit the right of any unit of State or local
17 government to approve or regulate any rate of re-
18 turn on private equity invested in the project; or
19 (3) otherwise supersede any State or local law
20 (including any regulation) applicable to the construc-
21 tion or operation of the project.
22 **SEC. 219. REGULATIONS.**
23 The Secretary may promulgate such regulations as
24 the Secretary determines to be appropriate to carry out
25 this chapter.

1 **SEC. 220. FUNDING.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to the Secretary to carry out this chapter
4 $100,000,000 for each of fiscal years 2015 through 2019,
5 to remain available until expended.

6 (b) ADMINISTRATIVE COSTS.—Of the funds made
7 available to carry out this chapter, the Secretary may use
8 for the administration of this chapter not more than
9 $2,200,000 for each of fiscal years 2015 through 2019.

10 **SEC. 221. REPORT TO CONGRESS.**

11 Not later than 2 years after the date of enactment
12 of this Act, and every 2 years thereafter, the Secretary
13 shall submit to the Committee on Energy and Natural Re-
14 sources of the Senate and the Committee on Natural Re-
15 sources of the House of Representatives a report summa-
16 rizing the financial performance and on-the-ground out-
17 comes of the projects that are receiving, or have received,
18 assistance under this chapter, including an assessment of
19 whether the objectives of this chapter are being met.

20 CHAPTER 2—INTEGRATED REGIONAL
21 WATER MANAGEMENT, RECLAMATION,
22 AND RECYCLING PROJECTS

23 **SEC. 231. WATER STORAGE PROJECTS.**

24 (a) AGREEMENTS.—The Secretary may enter into a
25 cost-shared financial assistance agreement with any non-
26 Federal entity in a Reclamation State or the State of Ha-

1 waii to carry out the planning, design, and construction
2 of any permanent water storage and conveyance facility
3 used solely to regulate and maximize the water supply
4 arising from a project that is eligible for assistance under
5 this chapter or any other provision of law, including recy-
6 cled water projects not congressionally authorized—
7 (1) to recycle wastewater or ground water; or
8 (2) to use integrated and coordinated water
9 management on a watershed or regional scale.
10 (b) FINANCIAL ASSISTANCE.—In providing financial
11 assistance under this section, the Secretary shall give pri-
12 ority to storage and conveyance components that—
13 (1) ensure the efficient and beneficial use of
14 water or reuse of the recycled water;
15 (2) make maximum use of natural systems;
16 (3) consistent with Secretarial Order No. 3297,
17 dated February 22, 2010, support sustainable water
18 management practices and the water sustainability
19 objectives of one or more offices of the Department
20 of the Interior or any other Federal agency;
21 (4)(A) increase the availability of usable water
22 supplies in a watershed or region to benefit people,
23 the economy, and the environment; and
24 (B) include adaptive measures needed to ad-
25 dress climate change and future demands;

1 (5) where practicable—

2 (A) provide flood control or recreation ben-
3 efits; and

4 (B) include the development of incremental
5 hydroelectric power generation;

6 (6) include partnerships that go beyond political
7 and institutional jurisdictions to support the effi-
8 cient use of the limited water resources of the
9 United States and the applicable region;

10 (7) generate environmental benefits, such as
11 benefits to fisheries, wildlife and habitat, and water
12 quality and water-dependent ecological systems, as
13 well as water supply benefits to agricultural and
14 urban water users; and

15 (8) the financing of which leverages private and
16 other non-Federal resources.

17 (c) FEDERAL SHARE.—The Federal share of the cost
18 of a project carried out under subsection (a) shall be—

19 (1) equal to the lesser of—

20 (A) 50 percent of total cost of the project;
21 and

22 (B) $15,000,000, adjusted for inflation;
23 and

24 (2) nonreimbursable.

1 (d) NON-FEDERAL SHARE.—The non-Federal share
2 of the cost of a project carried out under subsection (a)
3 may include in-kind contributions to the planning, design,
4 and construction of a project.
5 (e) TITLE AND COSTS.—A non-Federal entity enter-
6 ing into a financial assistance agreement under this sec-
7 tion shall—
8 (1) hold title to all facilities constructed under
9 this section; and
10 (2) be solely responsible for the costs of oper-
11 ating and maintaining those facilities.
12 (f) APPROVAL.—The Secretary may enter into a fi-
13 nancial assistance agreement under this section, if—
14 (1) the Secretary notifies Congress of the pro-
15 posed agreement at least 90 days before the date on
16 which the Secretary enters into the agreement; and
17 (2) Congress does not pass a joint resolution
18 disapproving the agreement before such date.
19 **SEC. 232. AUTHORIZATION OF APPROPRIATIONS.**
20 There is authorized to be appropriated $700,000,000
21 to carry out this chapter.

CHAPTER 3—RECLAMATION TITLE TRANSFER PROGRAM

SEC. 241. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This chapter may be cited as the "Reclamation Title Transfer Act of 2015".

(b) DEFINITIONS.—In this chapter:

(1) CONVEYED PROPERTY.—The term "conveyed property" means an eligible facility that has been conveyed to a qualifying entity under section 242(b)(1).

(2) ELIGIBLE FACILITY.—

(A) IN GENERAL.—The term "eligible facility" means a reclamation project or facility, or a portion of a reclamation project or facility, for which the United States holds title and that meets the criteria for potential transfer established under section 244(a).

(B) INCLUSIONS.—The term "eligible facility" includes dams and appurtenant works, infrastructure, recreational facilities, buildings, distribution and drainage works, and associated land or interests in land or water.

(3) QUALIFYING ENTITY.—The term "qualifying entity" means a State, unit of local government, Indian tribe, municipal corporation, quasi-mu-

1 nicipal corporation, or other entity (such as a water
2 district) that, as determined by the Secretary, has
3 the capacity to continue to manage the conveyed
4 property for the same purposes that the conveyed
5 property has been managed for under the reclama-
6 tion laws.

7 (4) SECRETARY.—The term "Secretary" means
8 the Secretary of the Interior, acting through the
9 Commissioner of the Bureau of Reclamation.

10 **SEC. 242. AUTHORIZATION OF TITLE TRANSFER PROGRAM.**

11 (a) ESTABLISHMENT OF TITLE TRANSFER PRO-
12 GRAM.—The Secretary may establish a program that—

13 (1) identifies and analyzes the potential for
14 public benefits from the transfer out of Federal own-
15 ership of eligible facilities, including analyses of the
16 financial, operational, and environmental character-
17 istics of the eligible facilities proposed for transfer;
18 and

19 (2) facilitates the transfer to qualifying entities
20 of the title to eligible facilities to promote more effi-
21 cient management of water and water-related facili-
22 ties.

23 (b) AUTHORIZATION TO TRANSFER TITLE TO ELIGI-
24 BLE FACILITIES.—

1 (1) IN GENERAL.—The Secretary may convey
2 to a qualifying entity all right, title, and interest of
3 the United States in and to any eligible facility, sub-
4 ject to paragraphs (2) through (6), if—
5 (A) the Secretary notifies Congress in writ-
6 ing of the proposed conveyance at least 90 days
7 before the date on which the Secretary makes
8 the conveyance; and
9 (B) Congress does not pass a joint resolu-
10 tion disapproving the conveyance before such
11 date.
12 (2) RIGHT OF FIRST REFUSAL.—If the entity
13 that operates an eligible facility at the time that the
14 Secretary attempts to facilitate the transfer of title
15 under subsection (a)(2) is a qualifying entity, that
16 entity shall have the right of first refusal to receive
17 the conveyance under paragraph (1).
18 (3) RESERVATION OF EASEMENT.—The Sec-
19 retary may reserve an easement over a conveyed
20 property if the Secretary determines that the ease-
21 ment is necessary for the management of any inter-
22 ests retained by the Federal Government under this
23 chapter.
24 (4) MINERAL INTERESTS.—

1 (A) RETENTION.—The Secretary shall re-
2 tain any mineral interests associated with a
3 conveyed property.
4 (B) MANAGEMENT.—The mineral interests
5 retained under subparagraph (A) shall be man-
6 aged—
7 (i) consistent with Federal law; and
8 (ii) in a manner that would not inter-
9 fere with the purposes for which the rec-
10 lamation project was authorized.
11 (5) INTERESTS IN WATER.—No interests in
12 water shall be conveyed under this chapter unless
13 the conveyance is provided for in writing in an
14 agreement between the Secretary and the qualifying
15 entity.
16 (6) ADDITIONAL CRITERIA.—Title transfers
17 under this section shall be carried out consistent
18 with—
19 (A) this chapter; and
20 (B) any additional criteria or procedures
21 that the Secretary determines to be in the pub-
22 lic interest.
23 (c) RESTRICTIONS ON USE.—As a condition of ob-
24 taining title to an eligible facility, the qualifying entity
25 shall agree to use the eligible facility for substantially the

1 **SEC. 244. ELIGIBILITY CRITERIA.**

2 (a) ESTABLISHMENT.—The Secretary shall establish
3 criteria for determining whether facilities are eligible for
4 conveyance under this chapter.

5 (b) MINIMUM REQUIREMENTS.—

6 (1) AGREEMENT OF QUALIFYING ENTITY.—The
7 criteria established under subsection (a) shall in-
8 clude a requirement that a qualifying entity agree—

9 (A) to accept title to the eligible facility;

10 (B) to accept all liability for the eligible fa-
11 cility, except as otherwise provided in section
12 245;

13 (C) to use the eligible facility for substan-
14 tially the same purposes the eligible facility is
15 being used for at the time the Secretary evalu-
16 ates the potential transfer; and

17 (D) to provide, as consideration for the as-
18 sets to be conveyed, compensation to the United
19 States in an amount that is the equivalent of
20 the net present value of any repayment obliga-
21 tion to the United States or other income
22 stream the United States derives from the eligi-
23 ble facility to be transferred as of the date of
24 the transfer, including any costs previously
25 deemed beyond the irrigator's ability to pay and

1 same purposes the eligible facility is being used for during
2 the period in which the eligible facility was under reclama-
3 tion ownership.

4 **SEC. 243. COMPLIANCE WITH ENVIRONMENTAL AND HIS-**
5 **TORIC PRESERVATION LAWS.**

6 (a) IN GENERAL.—Before conveying eligible facilities
7 under this chapter, the Secretary shall complete all actions
8 required under all applicable laws, including—

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

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

13 (3) the National Historic Preservation Act (16
14 U.S.C. 470 et seq.).

15 (b) LIMITATION ON CONVEYANCES.—The Secretary
16 may not convey an eligible facility under this chapter if
17 the Secretary determines, as part of a review conducted
18 under the National Environmental Policy Act of 1969 and
19 with public input, that making the conveyance will lessen
20 any of the protections afforded under the laws referred
21 to in subsection (a) or is inconsistent with other applicable
22 requirements to preserve and protect environmental, cul-
23 tural, and historic assets.

1 reassigned to project power customers for re-
2 payment.
3 (2) DETERMINATIONS OF SECRETARY.—
4 (A) IN GENERAL.—The criteria established
5 under subsection (a) shall include a require-
6 ment that the Secretary, in consultation with
7 the Governor of any State in which the project
8 is located, determine that the proposed trans-
9 fer—
10 (i) would not have an unmitigated sig-
11 nificant effect on the environment;
12 (ii) is uncomplicated, based on, as de-
13 termined by the Secretary—
14 (I) there being no significant op-
15 position to the proposed transfer;
16 (II) the eligible facility not being
17 hydrologically, operationally, or finan-
18 cially integrated with other Federal or
19 non-Federal water projects;
20 (III) the eligible facility not gen-
21 erating electric power sold to, or eligi-
22 ble to be sold to, power customers
23 (other than the project itself); and
24 (IV) the parties to the transfer
25 being able to reach agreement on

1 legal, institutional, and financial ar-
2 rangements relating to the convey-
3 ance;
4 (iii) is consistent with the responsi-
5 bility of the Secretary—
6 (I) to protect land and water re-
7 sources held in trust for federally rec-
8 ognized Indian tribes; and
9 (II) to ensure compliance with
10 any applicable international treaties
11 and interstate compacts; and
12 (iv) is in the financial interest of the
13 United States.
14 (B) PUBLICATION.—The Secretary shall
15 make publically available information on how
16 the Secretary made the determinations under
17 subparagraph (A).
18 (3) STATUS OF RECLAMATION LAND.—The cri-
19 teria established under subsection (a) shall require
20 that any land to be conveyed out of Federal owner-
21 ship under this Act is—
22 (A) land acquired by the Secretary; or
23 (B) land withdrawn by the Secretary, only
24 if—

1 (i) the Secretary determines in writing
2 that the withdrawn land is encumbered by
3 reclamation project facilities to the extent
4 that the withdrawn land is unsuitable for
5 return to the public domain; and
6 (ii) the qualifying entity agrees to pay
7 fair market value for the withdrawn land
8 to be conveyed.

9 **SEC. 245. LIABILITY.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), effective beginning on the date of conveyance of any
12 eligible facility under this chapter, the United States shall
13 not be liable under any law for damages of any kind aris-
14 ing out of any act, omission, or occurrence based on the
15 prior ownership or operation of the conveyed property.

16 (b) LIMITATION.—Notwithstanding subsection (a),
17 the United States shall retain the responsibilities and au-
18 thorities of the United States for a conveyed property
19 based on the prior ownership or operation of the conveyed
20 property by the United States under Federal environ-
21 mental laws, including the Comprehensive Environmental
22 Response, Compensation, and Liability Act of 1980 (42
23 U.S.C. 9601 et seq.).

1 **SEC. 246. BENEFITS.**

2 After a conveyance of an eligible facility under this
3 chapter—

4 (1) the conveyed property shall no longer be
5 considered to be a part of a reclamation project; and

6 (2) the entity to which the conveyed property is
7 conveyed shall not be eligible to receive any benefits
8 with respect to the conveyed property (including
9 project power), except for benefits that would be
10 available to a similarly situated entity with respect
11 to property that is not part of a reclamation project.

12 **SEC. 247. COMPLIANCE WITH OTHER LAWS.**

13 (a) IN GENERAL.—After a conveyance of title under
14 this chapter, the qualifying entity to which the property
15 is conveyed shall comply with all applicable Federal, State,
16 and local laws (including regulations) in the operation of
17 the conveyed property.

18 (b) EFFECT.—

19 (1) IN GENERAL.—Nothing in this chapter shall
20 affect or interfere with—

21 (A) the laws of any State relating to the
22 control, appropriation, use, or distribution of
23 water used in irrigation or for any other pur-
24 pose;

25 (B) any vested right acquired under State
26 law; or

1 (C) any interstate compact, decree, or ne-
2 gotiated water rights agreement.
3 (2) CONFORMITY WITH STATE LAW.—In car-
4 rying out this chapter, the Secretary shall proceed in
5 conformity with the State laws and rights acquired
6 under State law described in paragraph (1).

7 **SEC. 248. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated to carry out this chapter such sums as are nec-
10 essary.
11 (b) USE OF AMOUNTS.—Amounts made available
12 under subsection (a) may be used—
13 (1) to carry out the investigations to carry out
14 this chapter; and
15 (2) to pay any other costs associated with con-
16 veyances under this chapter, including an appro-
17 priate Federal share of the costs of compliance with
18 the National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.) and other applicable law.
20 (c) NOT TREATED AS PROJECT COSTS.—Expendi-
21 tures made by the Secretary under this chapter—
22 (1) shall not be a project cost assignable to a
23 reclamation project; and
24 (2) shall be nonreimbursable.

SEC. 249. TERMINATION OF AUTHORITY.

The authority of the Secretary to carry out conveyances under this chapter shall terminate 15 years after the date of enactment of this Act.

Subtitle C—Innovative Stormwater Capture Program

SEC. 251. SHORT TITLE.

This subtitle may be cited as the "Innovative Stormwater Infrastructure Act of 2015".

SEC. 252. PURPOSES AND FINDINGS.

Congress finds that—

(1) many water resources in the United States are declining, particularly in urban and agricultural areas;

(2) the decline of water resources is the result of—

(A) an increase in population, water consumption, and impermeable surfaces; and

(B) the negative effects of urbanization, commercial and industrial activities, and increasing and persistent droughts;

(3) an October 2008 study by the National Research Council found that some of the benefits of innovative stormwater control infrastructure include—

(A) increased water supplies;

(B) the creation of jobs;

1 (C) cost savings; and

2 (D) a reduction of stormwater runoff, sur-
3 face water discharge, stormwater pollution, and
4 stormwater flows to protect and restore natural
5 hydrology, meeting local conditions to the max-
6 imum extent feasible; and

7 (4) capturing stormwater runoff in urban and
8 suburban areas of the State of California can in-
9 crease water supplies by over 600,000 acre-feet an-
10 nually, and similar benefits are achievable in the
11 urban and suburban areas of other States.

12 **SEC. 253. DEFINITIONS.**

13 In this subtitle:

14 (1) ADMINISTRATOR.—The term "Adminis-
15 trator" means the Administrator of the Environ-
16 mental Protection Agency.

17 (2) CENTER.—The term "center" means a cen-
18 ter of excellence for innovative stormwater control
19 infrastructure established under section 4(a).

20 (3) ELIGIBLE ENTITY.—The term "eligible enti-
21 ty" means—

22 (A) a State, tribal, or local government; or

23 (B) a local, regional, or other entity that
24 manages stormwater, drinking water resources,
25 or wastewater resources.

1 (4) ELIGIBLE INSTITUTION.—

2 (A) IN GENERAL.—The term "eligible in-
3 stitution" means an institution of higher edu-
4 cation (as defined in section 101 of the Higher
5 Education Act of 1965 (20 U.S.C. 1001)), or a
6 research institution, that has demonstrated ex-
7 cellence in innovative stormwater control infra-
8 structure by—

9 (i) conducting research on innovative
10 stormwater control infrastructure to deter-
11 mine the means by which innovative infra-
12 structure reduces stormwater runoff, en-
13 hances and protects drinking water
14 sources, and improves water quality;

15 (ii) developing and disseminating in-
16 formation regarding the means by which
17 an organization can use innovative
18 stormwater control infrastructure;

19 (iii) providing technical assistance to
20 an organization for an innovative
21 stormwater control infrastructure project;

22 (iv) developing best practices stand-
23 ards for innovative stormwater control in-
24 frastructure;

1 (v) providing job training relating to
2 innovative stormwater control infrastruc-
3 ture;
4 (vi) developing course curricula for—
5 (I) elementary schools (as defined
6 in section 9101 of the Elementary and
7 Secondary Education Act of 1965 (20
8 U.S.C. 7801));
9 (II) secondary schools (as defined
10 in that section);
11 (III) institutions of higher edu-
12 cation (as defined in section 101 of
13 the Higher Education Act of 1965 (20
14 U.S.C. 1001)); or
15 (IV) vocational schools;
16 (vii) training students regarding inno-
17 vative stormwater control infrastructure; or
18 (viii) providing information to the
19 Federal Government or State, tribal, and
20 local governments regarding the implemen-
21 tation of innovative stormwater control in-
22 frastructure.
23 (B) ASSOCIATED DEFINITION.—For pur-
24 poses of subparagraph (A), the term "research
25 institution" means an entity that is—

1 (i) described in section 501(c)(3) of
2 the Internal Revenue Code of 1986;
3 (ii) exempt from tax under section
4 501(a) of the Internal Revenue Code of
5 1986; and
6 (iii) organized and operated for re-
7 search purposes.
8 (5) INDIAN TRIBE.—The term "Indian tribe"
9 has the meaning given the term in section 518(h) of
10 the Federal Water Pollution Control Act (33 U.S.C.
11 1377(h)).
12 (6) STATE.—The term "State" means—
13 (A) each of the several States of the
14 United States;
15 (B) the District of Columbia;
16 (C) the Commonwealth of Puerto Rico;
17 (D) Guam;
18 (E) American Samoa;
19 (F) the Commonwealth of the Northern
20 Mariana Islands;
21 (G) the Federated States of Micronesia;
22 (H) the Republic of the Marshall Islands;
23 (I) the Republic of Palau; and
24 (J) the United States Virgin Islands.

1 (7) INNOVATIVE STORMWATER CONTROL INFRA-
2 STRUCTURE.—
3 (A) IN GENERAL.—The term "innovative
4 stormwater control infrastructure" means any
5 green infrastructure stormwater management
6 technique that—
7 (i) uses natural systems or engineered
8 systems that mimic natural processes to
9 infiltrate, evapotranspire, or capture
10 stormwater; and
11 (ii) preserves, enhances, or mimics
12 natural hydrology to protect or restore
13 water quality.
14 (B) INCLUSIONS.—The term "innovative
15 stormwater control infrastructure" includes—
16 (i) methods that promote absorption,
17 uptake, percolation, evapotranspiration,
18 and filtration by soil and plant life; and
19 (ii) the preservation or restoration
20 of—
21 (I) natural topography, including
22 hills, plains, ravines, and shorelines;
23 (II) interconnected networks of
24 natural land that protect essential ec-

1 ological functions critical for water
2 quality;
3 (III) ecological function, includ-
4 ing forests, grasslands, and deserts;
5 (IV) bodies of water, including
6 lakes, flood plains, headwaters, and
7 wetlands; and
8 (V) native soil characteristics of
9 composition, structure, and
10 transmissivity.

11 **SEC. 254. CENTERS OF EXCELLENCE FOR INNOVATIVE**
12 **STORMWATER CONTROL INFRASTRUCTURE.**

13 (a) ESTABLISHMENT OF CENTERS.—
14 (1) IN GENERAL.—The Administrator shall pro-
15 vide grants, on a competitive basis, to eligible insti-
16 tutions to establish and maintain not less than 3,
17 and not more than 5, centers of excellence for inno-
18 vative stormwater control infrastructure, to be lo-
19 cated in various regions throughout the United
20 States.
21 (2) GENERAL OPERATION.—Each center
22 shall—
23 (A) conduct research on innovative
24 stormwater control infrastructure that is rel-
25 evant to the geographical region in which the

1 center is located, including stormwater and
2 sewer overflow reduction, other approaches to
3 water resource enhancement, and other environ-
4 mental, economic, and social benefits;
5 (B) develop manuals and establish industry
6 standards on best management practices relat-
7 ing to State, tribal, local, and commercial inno-
8 vative stormwater control infrastructure for use
9 by State, tribal, and local governments and the
10 private sector;
11 (C) develop and administer testing and
12 evaluation protocols to measure and verify the
13 performance of stormwater infrastructure prod-
14 ucts and practices;
15 (D) provide information regarding research
16 conducted under subparagraph (A), manuals
17 developed under subparagraph (B), and testing
18 and evaluation performed under subparagraph
19 (C) to the national electronic clearinghouse cen-
20 ter for publication on the Internet website es-
21 tablished under subsection (c) to provide to the
22 Federal Government and State, tribal, and local
23 governments and the private sector information
24 regarding innovative stormwater control infra-
25 structure;

1 (E) provide technical assistance to State,
2 tribal, and local governments to assist with the
3 construction, operation, and maintenance of in-
4 novative stormwater control infrastructure
5 projects;
6 (F) collaborate with institutions of higher
7 education and private and public organizations
8 in the geographical region in which the center
9 is located on innovative stormwater control in-
10 frastructure research and technical assistance
11 projects;
12 (G) assist institutions of higher education,
13 secondary schools, and vocational schools to de-
14 velop innovative stormwater control infrastruc-
15 ture curricula;
16 (H) provide training regarding innovative
17 stormwater control infrastructure to institutions
18 of higher education and professional schools;
19 (I) evaluate regulatory and policy issues
20 relating to innovative stormwater control infra-
21 structure; and
22 (J) coordinate with the other centers to
23 avoid duplication of efforts.
24 (b) APPLICATION.—To be eligible to receive a grant
25 under this section, an eligible institution shall prepare and

1 submit to the Administrator an application at such a time,
2 in such form, and containing such information as the Ad-
3 ministrator may require.

4 (c) NATIONAL ELECTRONIC CLEARINGHOUSE CEN-
5 TER.—Of the centers established under subsection (a)(1),
6 one shall—

7 (1) be designated as the "national electronic
8 clearinghouse center"; and

9 (2) in addition to the other functions of that
10 center—

11 (A) develop, operate, and maintain an
12 Internet website and a public database that
13 contains information relating to innovative
14 stormwater control infrastructure; and

15 (B) post to the website information from
16 all centers.

17 **SEC. 255. INNOVATIVE STORMWATER CONTROL INFRA-**
18 **STRUCTURE PROJECT GRANTS.**

19 (a) GRANT AUTHORITY.—The Administrator shall
20 provide grants, on a competitive basis, to eligible entities
21 to carry out innovative stormwater control infrastructure
22 projects in accordance with this section.

23 (b) INNOVATIVE STORMWATER CONTROL INFRA-
24 STRUCTURE PROJECTS.—

1 (1) PLANNING AND DEVELOPMENT GRANTS.—
2 The Administrator may make planning and develop-
3 ment grants under this section for the following
4 projects:
5 (A) Planning and designing innovative
6 stormwater control infrastructure projects, in-
7 cluding engineering surveys, landscape plans,
8 maps, and implementation plans.
9 (B) Identifying and developing standards
10 and revisions to local zoning, building, or other
11 local codes necessary to accommodate innova-
12 tive stormwater control infrastructure projects.
13 (C) Identifying and developing fee struc-
14 tures to provide financial support for design, in-
15 stallation, and operations and maintenance of
16 innovative stormwater control infrastructure.
17 (D) Developing training and educational
18 materials regarding innovative stormwater con-
19 trol infrastructure for distribution to—
20 (i) individuals and entities with appli-
21 cable technical knowledge; and
22 (ii) the public.
23 (E) Developing an innovative stormwater
24 control infrastructure portfolio standard pro-
25 gram described in section 6(e).

1 (2) IMPLEMENTATION GRANTS.—The Adminis-
2 trator may make implementation grants under this
3 section for the following projects:
4 (A) Installing innovative stormwater con-
5 trol infrastructure.
6 (B) Protecting or restoring interconnected
7 networks of natural areas that protect water
8 quality.
9 (C) Monitoring and evaluating the environ-
10 mental, economic, or social benefits of innova-
11 tive stormwater control infrastructure.
12 (D) Implementing a best practices stand-
13 ard for an innovative stormwater control infra-
14 structure program.
15 (E) Implementing an innovative
16 stormwater control infrastructure portfolio
17 standard program described in section 6(e).
18 (c) APPLICATION.—Except as otherwise provided in
19 this Act, to be eligible to receive a grant under this section,
20 an eligible entity shall prepare and submit to the Adminis-
21 trator an application at such time, in such form, and con-
22 taining such information as the Administrator may re-
23 quire, including, as applicable—
24 (1) a description of the innovative stormwater
25 control infrastructure project;

1 (2) a plan for monitoring the impacts of the in-
2 novative stormwater control infrastructure project
3 on the water quality and quantity;
4 (3) an evaluation of other environmental, eco-
5 nomic, and social benefits of the innovative
6 stormwater control infrastructure project; and
7 (4) a plan for the long-term operation and
8 maintenance of the innovative stormwater control in-
9 frastructure project.
10 (d) ADDITIONAL REQUIREMENT FOR INNOVATIVE
11 STORMWATER CONTROL INFRASTRUCTURE PORTFOLIO
12 STANDARD PROJECT.—In addition to an application
13 under subsection (c), a State or Indian tribe applying for
14 a grant for an innovative stormwater control infrastruc-
15 ture portfolio standard program described in section 6(e)
16 shall prepare and submit to the Administrator a schedule
17 of increasing minimum percentages of the annual water
18 to be managed using innovative stormwater control infra-
19 structure under the program.
20 (e) PRIORITY.—In making grants under this section,
21 the Administrator shall give priority to applications sub-
22 mitted on behalf of—
23 (1) a community that—

1 (A) has combined storm and sanitary sew-
2 ers in the collection system of the community;
3 or
4 (B) is a low-income or disadvantaged com-
5 munity, as determined by the Administrator; or
6 (2) an eligible entity that will use not less than
7 10 percent of the grant to provide service to a low-
8 income or disadvantaged community, as determined
9 by the Administrator.
10 (f) MAXIMUM AMOUNTS.—
11 (1) PLANNING AND DEVELOPMENT GRANTS.—
12 (A) SINGLE GRANT.—The amount of a sin-
13 gle planning and development grant provided
14 under this section shall be not more than
15 $200,000.
16 (B) AGGREGATE AMOUNT.—The total
17 amount of all planning and development grants
18 provided under this section for a fiscal year
19 shall be not more than ⅓ of the total amount
20 made available to carry out this section.
21 (2) IMPLEMENTATION GRANTS.—
22 (A) SINGLE GRANT.—The amount of a sin-
23 gle implementation grant provided under this
24 section shall be not more than $3,000,000.

1 (B) AGGREGATE AMOUNT.—The total
2 amount of all implementation grants provided
3 under this section for a fiscal year shall be not
4 more than ⅔ of the total amount made avail-
5 able to carry out this section.
6 (g) FEDERAL SHARE.—
7 (1) IN GENERAL.—Except as provided in para-
8 graph (3), the Federal share of a grant provided
9 under this section shall not exceed 65 percent of the
10 total project cost.
11 (2) CREDIT FOR IMPLEMENTATION GRANTS.—
12 The Administrator shall credit toward the non-Fed-
13 eral share of the cost of an implementation project
14 carried out under this section the cost of planning,
15 design, and construction work completed for the
16 project using funds other than funds provided under
17 this Act.
18 (3) EXCEPTION.—The Administrator may waive
19 the Federal share limitation under paragraph (1) for
20 an eligible entity that has adequately demonstrated
21 financial need.

1 **SEC. 256. ENVIRONMENTAL PROTECTION AGENCY INNOVA-**
2 **TIVE STORMWATER CONTROL INFRASTRUC-**
3 **TURE PROMOTION.**

4 (a) IN GENERAL.—The Administrator shall ensure
5 that the Office of Water, the Office of Enforcement and
6 Compliance, the Office of Research and Development, and
7 the Office of Policy of the Environmental Protection Agen-
8 cy promote the use of innovative stormwater control infra-
9 structure in and coordinate the integration of innovative
10 stormwater control infrastructure into permitting pro-
11 grams, planning efforts, research, technical assistance,
12 and funding guidance.

13 (b) DUTIES.—The Administrator shall ensure that
14 the Office of Water—

15 (1) promotes the use of innovative stormwater
16 control infrastructure in the programs of the Envi-
17 ronmental Protection Agency;

18 (2) supports establishing public-private partner-
19 ships and other innovative financing mechanisms in
20 the implementation of innovative stormwater control
21 infrastructure; and

22 (3) coordinates efforts to increase the use of in-
23 novative stormwater control infrastructure with—

24 (A) other Federal departments and agen-
25 cies;

1 (B) State, tribal, and local governments;
2 and
3 (C) the private sector.
4 (c) REGIONAL INNOVATIVE STORMWATER CONTROL
5 INFRASTRUCTURE PROMOTION.—The Administrator shall
6 direct each regional office of the Environmental Protection
7 Agency, as appropriate based on local factors, to promote
8 and integrate the use of innovative stormwater control in-
9 frastructure within the region that includes—
10 (1) a plan for monitoring, financing, mapping,
11 and designing the innovative stormwater control in-
12 frastructure;
13 (2) outreach and training regarding innovative
14 stormwater control infrastructure implementation
15 for State, tribal, and local governments, tribal com-
16 munities, and the private sector; and
17 (3) the incorporation of innovative stormwater
18 control infrastructure into permitting and other reg-
19 ulatory programs, codes, and ordinance development,
20 including the requirements under consent decrees
21 and settlement agreements in enforcement actions.
22 (d) INNOVATIVE STORMWATER CONTROL INFRA-
23 STRUCTURE INFORMATION-SHARING.—The Administrator
24 shall promote innovative stormwater control infrastructure
25 information-sharing, including through an Internet

1 website, to share information with, and provide technical
2 assistance to, State, tribal, and local governments, tribal
3 communities, the private sector, and the public regarding
4 innovative stormwater control infrastructure approaches
5 for—
6 (1) reducing water pollution;
7 (2) protecting water resources;
8 (3) complying with regulatory requirements;
9 and
10 (4) achieving other environmental, public
11 health, and community goals.
12 (e) INNOVATIVE STORMWATER CONTROL INFRA-
13 STRUCTURE PORTFOLIO STANDARD.—The Administrator,
14 in collaboration with State, tribal, and local water resource
15 managers, shall establish voluntary measurable goals, to
16 be known as the "innovative stormwater control infra-
17 structure portfolio standard", to increase the percentage
18 of annual water managed by eligible entities that use inno-
19 vative stormwater control infrastructure.
20 **SEC. 257. REPORT TO CONGRESS.**
21 Not later than September 30, 2017, the Adminis-
22 trator shall submit to Congress a report that includes,
23 with respect to the period covered by the report—
24 (1) a description of all grants provided under
25 this Act;

1 (2) a detailed description of—

2 (A) the projects supported by those grants;

3 and

4 (B) the outcomes of those projects;

5 (3) a description of the improvements in tech-

6 nology, environmental benefits, resources conserved,

7 efficiencies, and other benefits of the projects funded

8 under this Act;

9 (4) recommendations for improvements to pro-

10 mote and support innovative stormwater control in-

11 frastructure for the centers, grants, and activities

12 under this Act; and

13 (5) a description of existing challenges con-

14 cerning the use of innovative stormwater control in-

15 frastructure.

16 **SEC. 258. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out

18 this Act such sums as are necessary for each of fiscal

19 years 2016 through 2021.

TITLE III—IMPROVED INFRASTRUCTURE AND WATER MANAGEMENT

Subtitle A—Restoring America's Watersheds and Increasing Water Yields

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Restoring America's Watersheds Act of 2015".

SEC. 302. FINDINGS.

Congress makes the following findings:

(1) Watershed health and effective headwaters management can have multiple benefits for water supply reliability, water quality, and ecosystems.

(2) Investments to restore meadows, forests, and watersheds will improve their critical hydrological functions and reduce wildfire impacts.

(3) Proper ecosystem restoration could increase groundwater storage by 50,000 to 500,000 acre-feet per year just within the National Forest System lands in the Sierra bioregion of the State of California.

(4) Improved headwaters management would have a similarly significant impact on groundwater

1 storage within National Forest System lands across
2 the western States.
3 (5) Source watersheds are recognized and de-
4 fined as an integral part of federally funded water
5 systems.

6 **SEC. 303. WATER SOURCE PROTECTION PROGRAM.**

7 Subtitle A of title III of the Omnibus Public Land
8 Management Act of 2009 (Public Law 111–11; 123 Stat.
9 1126) is amended by adding at the end the following:

10 **"SEC. 3002. WATER SOURCE PROTECTION PROGRAM.**

11 "(a) IN GENERAL.—The Secretary of Agriculture,
12 acting through the Chief of the Forest Service (referred
13 to in this section as the 'Secretary'), shall establish and
14 maintain a Water Source Protection Program (referred to
15 in this section as the 'Program') within the National For-
16 est System west of the 100th Meridian.
17 "(b) WATER SOURCE INVESTMENT PARTNER-
18 SHIPS.—
19 "(1) IN GENERAL.—In carrying out the Pro-
20 gram, the Secretary may enter into water source in-
21 vestment partnerships with end water users (includ-
22 ing States, political subdivisions, Indian tribes, utili-
23 ties, municipal water systems, irrigation districts,
24 nonprofit organizations, and corporations) to protect
25 and restore the condition of National Forest water-

1 sheds that provide water to the non-Federal part-
2 ners.
3 "(2) FORM.—A partnership described in para-
4 graph (1) may take the form of memoranda of un-
5 derstanding, cost-share or collection agreements,
6 long-term match funding commitments, or other ap-
7 propriate instruments.
8 "(c) WATER SOURCE MANAGEMENT PLAN.—
9 "(1) IN GENERAL.—In carrying out the Pro-
10 gram, the Secretary may produce a water source
11 management plan in cooperation with the water
12 source investment partnership participants and
13 State, local, and tribal governments.
14 "(2) FIREWOOD.—A water source management
15 plan may give priority to projects that facilitate the
16 gathering of firewood for personal use pursuant to
17 section 223.5 of title 36, Code of Federal Regula-
18 tions (or successor regulations).
19 "(3) ENVIRONMENTAL ANALYSIS.—The Sec-
20 retary may conduct—
21 "(A) a single environmental impact state-
22 ment or similar analysis required under the Na-
23 tional Environmental Policy Act of 1969 (42
24 U.S.C. 4321 et seq.) for all or part of the res-

1 toration projects in the water source manage-
2 ment plan; and
3 "(B) a statement or analysis described in
4 subparagraph (A) as part of the development of
5 the water source management plan or after the
6 finalization of the plan.
7 "(4) ENDANGERED SPECIES ACT.—In carrying
8 out the Program, the Secretary may use the Manual
9 on Adaptive Management of the Department of the
10 Interior, including any associated guidance, for pur-
11 poses of fulfilling any requirements under the En-
12 dangered Species Act of 1973 (16 U.S.C. 1531 et
13 seq.).
14 "(5) FUNDS AND SERVICES.—
15 "(A) IN GENERAL.—In carrying out the
16 Program, the Secretary may accept and use
17 funding, services, and other forms of investment
18 and assistance from water source investment
19 partnership participants to implement the water
20 source management plan.
21 "(B) MANNER OF USE.—The Secretary
22 may accept and use investments described in
23 subparagraph (A) directly or indirectly through
24 the National Forest Foundation.

"(C) WATER SOURCE PROTECTION FUND.—

"(i) IN GENERAL.—Subject to the availability of appropriations, the Secretary may establish a Water Source Protection Fund to match funds or in-kind support contributed by water source investment partnership participants under subparagraph (A).

"(ii) USE OF APPROPRIATED FUNDS.—The Secretary may use funds appropriated to carry out this subparagraph to make multiyear commitments, if necessary, to implement one or more water source investment partnership agreements.".

SEC. 304. WATERSHED CONDITION FRAMEWORK.

Subtitle A of title III of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1126) is amended by inserting after section 3002, as added by section 303, the following:

"SEC. 3003. WATERSHED CONDITION FRAMEWORK.

"(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the 'Secretary'), shall establish and

1 maintain a Watershed Condition Framework within the
2 National Forest System west of the 100th Meridian—
3 "(1) to evaluate and classify the condition of
4 watersheds, taking into consideration—
5 "(A) water quality and quantity;
6 "(B) aquatic habitat and biota;
7 "(C) riparian and wetland vegetation;
8 "(D) the presence of roads and trails;
9 "(E) soil type and condition;
10 "(F) groundwater-dependent ecosystems;
11 "(G) relevant terrestrial indicators, such as
12 fire regime, risk of catastrophic fire, forest and
13 rangeland vegetation, invasive species, and in-
14 sects and disease; and
15 "(H) other significant factors, as deter-
16 mined by the Secretary;
17 "(2) to identify for restoration up to 5 priority
18 watersheds in each National Forest, and up to 2 pri-
19 ority watersheds in each national grassland, taking
20 into consideration the impact of the condition of the
21 watershed condition on—
22 "(A) wildfire behavior;
23 "(B) flood risk;
24 "(C) fish and wildlife;
25 "(D) drinking water supplies;

"(E) irrigation water supplies;

"(F) forest-dependent communities; and

"(G) other significant impacts, as determined by the Secretary;

"(3) to develop a watershed restoration action plan for each priority watershed that—

"(A) takes into account existing restoration activities being implemented in the watershed; and

"(B) includes, at a minimum—

"(i) the major stressors responsible for the impaired condition of the watershed;

"(ii) a set of essential projects that, once completed, will address the identified stressors and improve watershed conditions;

"(iii) a proposed implementation schedule;

"(iv) potential partners and funding sources; and

"(v) a monitoring and evaluation program;

"(4) to prioritize restoration activities for each watershed restoration action plan;

1 "(5) to implement each watershed restoration
2 action plan; and
3 "(6) to monitor the effectiveness of restoration
4 actions and indicators of watershed health.
5 "(b) COORDINATION.—Throughout the establishment
6 and maintenance of the Watershed Condition Framework,
7 the Secretary shall—
8 "(1) coordinate with interested non-Federal
9 landowners and with State, tribal, and local govern-
10 ments within the relevant watershed; and
11 "(2) provide for an active and ongoing public
12 engagement process.
13 "(c) EMERGENCY DESIGNATION.—Notwithstanding
14 subsection (a)(2), the Secretary may identify a watershed
15 as a priority for rehabilitation in the Watershed Condition
16 Framework without using the process described in sub-
17 section (a), if the appropriate Forest Supervisor deter-
18 mines that—
19 "(1) a wildfire has significantly diminished the
20 condition of the watershed; and
21 "(2) the emergency stabilization activities of the
22 Burned Area Emergency Response Team are insuffi-
23 cient to return the watershed to proper function.".

1 **SEC. 305. FOREST SERVICE LEGACY ROADS AND TRAILS RE-**
2 **MEDIATION PROGRAM.**

3 (a) IN GENERAL.—The Secretary of Agriculture, act-
4 ing through the Chief of the Forest Service (referred to
5 in this section as the "Secretary"), shall establish and
6 maintain a Forest Service Legacy Roads and Trails Reme-
7 diation Program (referred to in this section as the "Pro-
8 gram") within the National Forest System west of the
9 100th Meridian—

10 (1) to carry out critical maintenance and urgent
11 repairs and improvements on National Forest Sys-
12 tem roads, trails, and bridges;

13 (2) to restore fish and other aquatic organism
14 passage by removing or replacing unnatural barriers
15 to the passage of fish and other aquatic organisms;

16 (3) to decommission unneeded roads and trails;
17 and

18 (4) to carry out associated activities.

19 (b) PRIORITY.—In implementing the Program, the
20 Secretary shall give priority to projects that protect or re-
21 store—

22 (1) water quality;

23 (2) watersheds that feed public drinking water
24 systems; or

25 (3) habitat for threatened, endangered, and
26 sensitive fish and wildlife species.

1 (c) NATIONAL FOREST SYSTEM.—Except as author-
2 ized under section 323 of the Department of the Interior
3 and Related Agencies Appropriations Act, 1999 (16
4 U.S.C. 1011a), all projects carried out under the Program
5 shall be on National Forest System roads.

6 (d) NATIONAL PROGRAM STRATEGY.—Not later than
7 180 days after the date of enactment of this Act, the Sec-
8 retary shall develop a national strategy for implementing
9 the Program.

10 **SEC. 306. REAUTHORIZATION OF THE COLLABORATIVE**
11 **FOREST LANDSCAPE RESTORATION FUND.**

12 Section 4003(f)(6) of the Omnibus Public Land Man-
13 agement Act of 2009 (16 U.S.C. 7303(f)(6)) is amended
14 by striking "2019, to remain available until expended"
15 and inserting "2015, and $80,000,000 for each of fiscal
16 years 2016 through 2024, to remain available until ex-
17 pended".

18 Subtitle B—Reservoir Operation
19 Improvement

20 **SEC. 311. SHORT TITLE.**

21 This subtitle may be cited as the "Five Demonstra-
22 tions of Advancing Yields by Fixing Operations of Res-
23 ervoirs to Encompass Climatic and Atmospheric Science
24 Trends Act".

1 **SEC. 312. PROJECTS, PLANS, AND REPORTS.**

2 (a) SPECIFIC INFORMATION.—Not later than 90 days
3 after the date of enactment of this Act, the Secretary of
4 the Army shall provide to the Committees on Appropria-
5 tions of the House of Representatives and the Senate a
6 report including the following information for any State
7 under a gubernatorial drought declaration during water
8 year 2015:

9 (1) A list of Army Corps and non-Army Corps
10 (section 7 of the Flood Control Act of 1944 (33
11 U.S.C. 709)) projects that have a water control
12 plan.

13 (2) The year the original water control manual
14 was approved.

15 (3) The year for any subsequent revisions to
16 the project's water control plan and manual.

17 (4) A list of projects in which operational devi-
18 ations for drought contingency have been requested
19 or implemented and the status of the request.

20 (5) How water conservation and water quality
21 improvements were addressed.

22 (6) A list of projects where permanent changes
23 to storage allocations have been requested and the
24 status of the request.

25 (b) IDENTIFICATION OF PROJECTS.—Not later than
26 60 days after completion of the report under subsection

1 (a), the Secretary of the Army, in consultation with the
2 National Oceanic and Atmospheric Administration, shall
3 identify any projects from the report that meet the fol-
4 lowing criteria:

5 (1) Located in a State in which a drought
6 emergency has been declared or was in effect during
7 the 1-year period preceding the date of completion
8 of the report by the Secretary under subsection (a).

9 (2) Future revision of a water operations man-
10 ual, including flood control rule curves, based on the
11 better use of improved weather forecasting or run-
12 off forecasting methods, new watershed data, or
13 changes to project operations, would be likely to en-
14 hance the existing authorized project purposes for
15 water supply storage capacity and reliability, or
16 flood control operations.

17 (c) ADDITIONAL PROJECTS.—In addition, not later
18 than 60 days after completion of the report in subsection
19 (a), the Secretary of the Army shall identify any non-
20 Corps projects that meet the criteria in subsection (b) and
21 the following 2 criteria:

22 (1) The owner of the non-Corps project has
23 submitted to the Secretary of the Army a formal re-
24 quest to review or revise the operations manual or
25 flood control rule curves to accommodate new water-

1 shed data or projected project modifications or oper-
2 ational changes.
3 (2) The modifications or operational changes
4 proposed by the owner of the non-Corps projects are
5 likely to enhance water supply benefits and flood
6 control operations.
7 (d) PILOT PROJECTS.—Not later than 1 year after
8 identification of the projects in subsections (b) and (c),
9 if any, the Secretary of the Army, in consultation with
10 the National Oceanic and Atmospheric Administration,
11 shall establish not more than 5 pilot projects to implement
12 forecast-based reservoir operations.
13 (e) COORDINATION WITH NON-FEDERAL PROJECT
14 SPONSOR.—
15 (1) IN GENERAL.—If any of the projects identi-
16 fied in subsections (b) and (c) are non-Federal
17 projects, the Secretary of the Army, prior to car-
18 rying out an activity under this section, shall consult
19 with the non-Federal project sponsor and enter into
20 a cooperative agreement, memorandum of under-
21 standing, or other agreement with the non-Federal
22 project sponsor.
23 (2) DEFINITION.—In this subsection, the term
24 "non-Federal project sponsor" means an entity or a
25 local government entity, including a municipal water

1 district, that currently manages (in whole or in part)
2 an Army Corps of Engineers dam or reservoir.
3 (f) FORECAST-BASED RESERVOIR OPERATIONS
4 PLAN.—As part of the pilot project under subsection (d),
5 the Secretary, in consultation with the National Oceanic
6 and Atmospheric Administration, in designing and imple-
7 menting a forecast-based reservoir operations plan, shall
8 include the following:
9 (1) The relationship between ocean and atmos-
10 pheric conditions, including the El Niño and La
11 Niña cycles, and the potential for above normal, nor-
12 mal, and below normal rainfall for the coming water
13 year.
14 (2) The precipitation and runoff index specific
15 to the basin and watershed of the relevant dam or
16 reservoir, including incorporating information about
17 hydrological and meteorological conditions that influ-
18 ence the timing and quantity of runoff.
19 (3) Improved hydrologic forecasting for precipi-
20 tation, snowpack, streamflow, and soil moisture con-
21 ditions.
22 (4) An adjustment of operational flood control
23 rule curves to optimize water supply storage and re-
24 liability, hydropower production, environmental bene-

1 fits for flows and temperature, and other authorized
2 project benefits, without a reduction in flood safety.
3 (5) Proactive management in response to
4 changes in forecasts.
5 (g) NON-FEDERAL FUNDS.—Upon finalizing an
6 agreement with a non-Federal project sponsor pursuant
7 to subsection (e), the Secretary of the Army may accept
8 non-Federal funds for all or a portion of the cost of car-
9 rying out a review or revision of water control manuals
10 and flood control rule curves.
11 (h) NO ADDITIONAL AUTHORITY.—Revisions of the
12 manuals referred to in subsection (b) shall not interfere
13 with authorized purposes. Nothing in this Act authorizes
14 the Secretary of the Army to carry out, at a Corps of En-
15 gineers dam or reservoir, any project for a purpose not
16 otherwise authorized as of the date of enactment of this
17 Act.
18 (i) CONSULTATION.—In implementing the pilot
19 projects pursuant to subsection (d), the Secretary of the
20 Army may consult with other affected interests, including
21 non-Federal entities responsible for operations and main-
22 tenance costs of a Corps facility, affected water rights
23 holders, individuals and entities with storage entitlements,
24 and local agencies with flood control responsibilities down-
25 stream of a Corps facility.

1 (j) CHANGE TO OPERATIONS MANUAL.—Not later
2 than 180 days after the completion of a change to the
3 operations manual or flood control rule curves, the Sec-
4 retary shall submit a report to the appropriate committees
5 of Congress regarding the components of the forecast-
6 based reservoir operations plan incorporated into the
7 change.

8 Subtitle C—Reclamation Projects
9 for Renewable Energy To Re-
10 duce Evaporation Loss

11 **SEC. 320. FINDINGS AND PURPOSE.**

12 (a) FINDINGS.—The Congress finds that—
13 (1) evaporative loss along Bureau of Reclama-
14 tion reservoirs, canals, and other conveyance systems
15 reduces the quantity and reliability of water deliv-
16 eries;
17 (2) drought and extreme aridity from changing
18 weather patterns will contribute to increased evapo-
19 rative loss in the future; and
20 (3) existing Central Valley Project operations
21 assume a conveyance loss for evaporation and seep-
22 age south of the Delta of 150,000 acre-feet annu-
23 ally.
24 (b) PURPOSE.—The purpose of this subtitle is to ex-
25 pand investments in infrastructure for Bureau of Rec-

1 lamation reservoirs, canals, and other conveyance systems,
2 that will provide shade, reduce evaporative loss, and in-
3 crease water supplies in the arid western States.

4 **SEC. 321. DEFINITIONS.**

5 In this subtitle:

6 (1) COVERED LAND.—The term "covered land"
7 means land that is—

8 (A) land under the administrative jurisdic-
9 tion of the Bureau of Reclamation; and

10 (B) not excluded from the development of
11 solar or wind energy under—

12 (i) a final land use plan established
13 under the Federal Land Policy and Man-
14 agement Act of 1976 (43 U.S.C. 1701 et
15 seq.); or

16 (ii) Federal law.

17 (2) FUND.—The term "Fund" means the Fish
18 and Wildlife Restoration Fund established under
19 section 324.

20 (3) PUBLIC LAND.—The term "public land"
21 has the meaning given the term "public lands" in
22 section 103 of the Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1702).

24 (4) SECRETARY.—The term "Secretary" means
25 the Secretary of the Interior.

1 **SEC. 322. EVALUATION AND REPORT.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act, the Secretary shall com-
4 plete an evaluation and report to Congress on the potential
5 for developing rights-of-way along Bureau of Reclamation
6 canals and infrastructure, including reservoirs, for solar
7 or wind energy production through leasing of lands or
8 other means.

9 (b) REPORT.—The report to Congress shall specify—

10 (1) the location of potential rights-of-way for
11 energy production;

12 (2) estimates of water losses due to evaporation
13 that would be reduced due to shade and other bene-
14 fits from energy production;

15 (3) the total acreage available for energy pro-
16 duction;

17 (4) existing transmission infrastructure at such
18 locations;

19 (5) estimates of fair market leasing value of po-
20 tential energy sites; and

21 (6) estimates of energy development potential
22 at sites.

23 **SEC. 323. DEVELOPMENT OF SOLAR AND WIND ENERGY ON**
24 **COVERED LAND.**

25 (a) PILOT PROGRAM ON SELECTED COVERED
26 LAND.—

1 (1) ESTABLISHMENT.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary shall establish a wind and solar energy leas-
4 ing pilot program under which the Secretary con-
5 ducts lease sales of certain sites located on covered
6 land for purposes of carrying out wind and solar en-
7 ergy projects.
8 (2) SELECTION OF SITES ON COVERED LAND.—
9 (A) IN GENERAL.—Not later than 90 days
10 after the date the pilot program is established
11 under paragraph (1), the Secretary shall select
12 from covered land—
13 (i) 1 site for the development of a
14 solar energy project; and
15 (ii) 1 site for the development of a
16 wind energy project.
17 (B) SITE SELECTION.—In selecting sites
18 under subparagraph (A), the Secretary shall—
19 (i) give a preference to sites that the
20 Secretary determines—
21 (I) are likely to attract a high
22 level of wind and solar energy indus-
23 try interest;
24 (II) would likely have a positive
25 impact on water supply through re-

1 ducing water loss from evaporation by
2 providing shade and temperature re-
3 ductions, or beneficial impacts from
4 energy production and infrastructure;
5 and
6 (III) would serve as models for
7 the expansion of the pilot program to
8 other locations if the program is ex-
9 panded under subsection (c);
10 (ii) take into consideration the value
11 of the multiple resources of the covered
12 land on which such sites are located; and
13 (iii) not select any site for which a
14 right-of-way or special use permit for site
15 testing or construction has been issued
16 under title V of the Federal Land Policy
17 and Management Act of 1976 (43 U.S.C.
18 1761 et seq.).
19 (3) LEASE SALES OF PROJECT SITES.—
20 (A) IN GENERAL.—Except as provided in
21 paragraph (4)(B)(i), not later than 180 days
22 after the date on which sites are selected under
23 paragraph (2), the Secretary shall offer each
24 site for competitive leasing under such terms
25 and conditions as the Secretary requires.

1 (B) BIDDING.—Bidding on a site offered
2 for lease under this subsection shall be—
3 (i) limited to one round;
4 (ii) open only to bidders who—
5 (I) submit a plan of development
6 for such site together with the bid;
7 and
8 (II) the Secretary determines are
9 qualified under subparagraph (C)(ii);
10 and
11 (iii) conducted using a bidding system
12 selected by the Secretary, including—
13 (I) a cash bonus bids system re-
14 quiring payment of the royalty estab-
15 lished under this Act;
16 (II) a variable royalty bids sys-
17 tem based on a percentage of the
18 gross proceeds from the sale of elec-
19 tricity produced from the site offered
20 for lease, except that the royalty shall
21 not be less than the royalty required
22 under this Act, together with a fixed
23 cash bonus; or
24 (III) such other bidding system
25 as ensures a fair return to the public

1 consistent with the royalty established
2 under this Act.
3 (C) BIDDER QUALIFICATIONS.—The Sec-
4 retary shall—
5 (i) before conducting any lease sale
6 under this subsection, establish qualifica-
7 tion requirements for bidders on a site of-
8 fered for lease that ensure that such bid-
9 ders, with respect to wind or solar energy
10 projects—
11 (I) are able to expeditiously de-
12 velop such a project on the site;
13 (II) possess the financial re-
14 sources necessary to complete such a
15 project;
16 (III) possess knowledge of the
17 technology needed to complete such a
18 project;
19 (IV) meet eligibility requirements
20 that are substantially similar to the
21 eligibility requirements for leasing
22 that apply under the first section of
23 the Mineral Leasing Act (30 U.S.C.
24 181 et seq.); and

1 (V) possess such other qualifica-
2 tions as the Secretary determines are
3 necessary; and
4 (ii) using the requirements established
5 under clause (i), determine whether a per-
6 son is qualified to be a bidder on a site of-
7 fered for lease under this subsection.
8 (D) CREDIT FOR BID PREPARATION EX-
9 PENDITURES.—In the case of a site offered for
10 lease under this subsection with respect to
11 which more than one bid is submitted on the
12 date of the lease sale of such site, the Secretary
13 shall give credit to each person who submitted
14 a bid with respect to such site for expenditures
15 such person incurred in the preparation of such
16 bid.
17 (4) LEASE TERMS.—
18 (A) IN GENERAL.—The Secretary may es-
19 tablish such lease terms and conditions, includ-
20 ing the duration of the lease with respect to any
21 site offered for lease under this subsection.
22 (B) SHORT-TERM LEASES FOR DATA COL-
23 LECTION.—In carrying out this subsection, the
24 Secretary shall—

1 (i) offer on a noncompetitive basis a
2 short-term lease on not less than one site
3 selected under paragraph (2) for purposes
4 of data collection; and
5 (ii) upon the expiration of the short-
6 term lease, offer on a competitive basis a
7 long-term lease, giving credit toward the
8 bonus bid submitted with respect to the
9 long-term lease to the holder of the short-
10 term lease for any qualified expenditures
11 made by such holder to collect data or to
12 develop the site during such short-term
13 lease.
14 (5) REVENUES.—Subject to section 324, the
15 Secretary may collect bonus bids, royalties, fees, or
16 other payments (except rental payments) with re-
17 spect to sites offered for lease under this subsection.
18 (6) REPORT.—Not later than 90 days after the
19 date on which the Secretary conducts the final lease
20 sale under this subsection, the Secretary shall sub-
21 mit to the Committee on Energy and Natural Re-
22 sources of the Senate and the Committee on Natural
23 Resources of the House of Representatives a report
24 on the results of each lease sale conducted under
25 this subsection, including—

1 (A) the level of competitive interest;

2 (B) a summary of bids and revenues re-
3 ceived; and

4 (C) any other factors that may have im-
5 pacted the lease sale.

6 (7) OTHER LAWS.—

7 (A) COMPLIANCE WITH LAND MANAGE-
8 MENT AND ENVIRONMENTAL LAWS.—In offer-
9 ing sites for lease under this subsection, the
10 Secretary concerned shall comply with—

11 (i) all Federal laws applicable to lands
12 under the administrative jurisdiction of the
13 Bureau of Land Management; and

14 (ii) Federal or State environmental
15 laws or any other relevant laws.

16 (B) APPLICABILITY TO WIND AND SOLAR
17 ENERGY PROJECTS UNDER OTHER FEDERAL
18 LAWS.—Nothing in this subsection shall be con-
19 strued so as to prohibit the Secretary from
20 issuing rights-of-way or special use permits with
21 respect to wind and solar energy projects in
22 compliance with other Federal laws and regula-
23 tions in effect on the date of the enactment of
24 this Act.

1 (8) ENFORCEMENT OF FEDERAL LAND POLICY
2 MANAGEMENT.—
3 (A) IN GENERAL.—Sections 302(c) and
4 303 of the Federal Land Policy and Manage-
5 ment Act of 1976 (43 U.S.C. 1732(c), 1733)
6 shall apply to activities conducted on sites on
7 covered land offered for lease under this sub-
8 section.
9 (B) EFFECT ON ENFORCEMENT AUTHOR-
10 ITY UNDER OTHER FEDERAL LAW.—Nothing in
11 this subsection shall be construed so as to re-
12 duce or limit the enforcement authority vested
13 in the Secretary or the Attorney General on
14 covered land under any other Federal law.
15 (b) TEMPORARY EXTENSION OF PILOT PROGRAM.—
16 Until final regulations are issued under subsection (c)(4),
17 the Secretary shall continue to carry out the pilot program
18 under subsection (a) on the sites offered for lease under
19 such subsection. The Secretary may extend any lease
20 issued for such sites under subsection (a) under the same
21 terms and conditions applicable to such lease on the date
22 of the lease sale as necessary until final regulations are
23 issued under subsection (c)(4) with respect to such sites.
24 (c) EXPANSION OF PILOT PROGRAM TO ALL COV-
25 ERED LAND.—

1 (1) JOINT DETERMINATION REQUIRED.—Not
2 later than 5 years after the date of the enactment
3 of this Act, the Secretary shall determine whether to
4 expand the pilot program established under sub-
5 section (a) to apply to all covered land, including
6 sites with respect to which leases were issued under
7 subsection (a). In making such determination, the
8 Secretary shall—
9 (A) take into consideration the results of
10 the pilot program;
11 (B) consult with—
12 (i) the heads of Federal agencies and
13 relevant State agencies (including State
14 fish and wildlife agencies);
15 (ii) interested States, Indian tribes,
16 and local governments;
17 (iii) representatives of the solar and
18 wind energy industries;
19 (iv) representatives of the environ-
20 ment, conservation, and outdoor sporting
21 communities; and
22 (v) the public; and
23 (C) consider whether such expansion—
24 (i) provides an effective means of de-
25 veloping wind or solar energy; and

1 (ii) is in the public interest.

2 (2) EXPANSION AUTHORIZED.—The Secretary
3 shall expand the pilot program only if the Secretary
4 determined to expand the pilot program under para-
5 graph (1).

6 (3) REPORT ON JOINT DETERMINATION.—Not
7 later than 60 days after making the determination
8 under paragraph (1) to expand the pilot program,
9 the Secretary shall submit to the Committee on En-
10 ergy and Natural Resources of the Senate and the
11 Committee on Natural Resources of the House of
12 Representatives a report describing the basis and
13 findings for the determination.

14 (4) REGULATIONS TO IMPLEMENT EXPAN-
15 SION.—Not later than one year after making a de-
16 termination to expand the pilot program under para-
17 graph (1), the Secretary shall issue final regulations
18 to implement this subtitle.

19 (5) APPLICABILITY OF PROVISIONS OF PILOT
20 PROGRAM TO EXPANDED PROGRAM.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), paragraphs (3), (7), and (8)
23 of subsection (a) shall apply to covered land of-
24 fered for lease under this subsection in the

1 same manner as such paragraphs apply to sites
2 offered for lease under subsection (a).
3 (B) COMPETITIVE LEASING NOT REQUIRED
4 UNDER CERTAIN CIRCUMSTANCES.—The re-
5 quirement under subsection (a)(3) that a lease
6 be sold on a competitive basis shall not apply
7 to a lease issued under this subsection if the
8 Secretary determines that—
9 (i) no competitive interest exists for
10 the covered land offered for lease;
11 (ii) the public interest would not be
12 served by the competitive issuance of a
13 lease with respect to such covered land; or
14 (iii) the lease is for a purpose de-
15 scribed in paragraph (7)(A)(ii).
16 (6) PAYMENTS.—
17 (A) IN GENERAL.—Subject to section 324,
18 the Secretary shall establish fees, bonuses, or
19 other payments (except rental payments) to en-
20 sure a fair return to the United States for any
21 lease issued under this subsection.
22 (B) BONUS BIDS.—The Secretary may
23 grant credit toward any bonus bid for a quali-
24 fied expenditure by the holder of a lease de-
25 scribed in paragraph (7)(A)(ii) in any competi-

1 tive lease sale held for a long-term lease of the
2 covered land that is the subject of the lease de-
3 scribed in such paragraph.
4 (C) READJUSTMENT.—
5 (i) IN GENERAL.—Royalties and other
6 terms and conditions of a lease issued
7 under this subsection shall be subject to
8 readjustment—
9 (I) on the date that is 15 years
10 after the date on which the lease is
11 issued; and
12 (II) every 10 years thereafter.
13 (ii) INDEXING.—Effective on the first
14 day of the first month beginning after the
15 date of enactment of this Act and each
16 year thereafter, the amount of royalties or
17 other terms and conditions subject to read-
18 justment under clause (i) shall be adjusted
19 to reflect changes for the 12-month period
20 ending on the most recent date for which
21 data are available in the Consumer Price
22 Index for All Urban Consumers published
23 by the Bureau of Labor Statistics of the
24 Department of Labor.

1 (7) LEASE DURATION, ADMINISTRATION, AND
2 READJUSTMENT.—
3 (A) DURATION.—
4 (i) IN GENERAL.—Except as provided
5 in clause (ii), a lease issued under this sub-
6 section shall be for—
7 (I) an initial term of 25 years;
8 and
9 (II) any additional period after
10 the initial 25-year term during which
11 electricity is being produced annually
12 in commercial quantities from the
13 lease.
14 (ii) DATA COLLECTION LEASES.—In
15 the case of a lease issued under this sub-
16 section for the placement and operation of
17 a meteorological or data collection facility
18 or for the development or demonstration of
19 a new wind or solar energy technology,
20 such lease shall have a term of not more
21 than 5 years.
22 (B) ADMINISTRATION.—The Secretary of
23 the Interior shall establish terms and conditions
24 for the issuance, transfer, renewal, suspension,

1 and cancellation of a lease issued under this
2 subsection.
3 (C) READJUSTMENT PROVISION RE-
4 QUIRED.—Each lease issued under this sub-
5 section shall provide for readjustment in ac-
6 cordance with subparagraph (A).
7 (8) SURFACE-DISTURBING ACTIVITIES.—The
8 Secretary shall issue regulations regarding surface-
9 disturbing activities conducted under any lease
10 issued under this subsection, including any reclama-
11 tion and other actions necessary to conserve and to
12 offset impacts to surface resources.
13 (9) SECURITY.—
14 (A) IN GENERAL.—The Secretary shall re-
15 quire that the holder of a lease issued under
16 this subsection—
17 (i) furnish a surety bond or other
18 form of security, as prescribed by the Sec-
19 retary;
20 (ii) provide for the reclamation and
21 restoration of the covered land that is the
22 subject of the lease; and
23 (iii) comply with such other require-
24 ments as the Secretary considers necessary

1 to protect the interests of the public and
2 the United States.
3 (B) PERIODIC REVIEW.—Not less fre-
4 quently than once every 5 years, the Secretary
5 shall conduct a review of the adequacy of the
6 surety bond or other form of security provided
7 by the holder of a lease issued under this sub-
8 section.

9 **SEC. 324. ROYALTIES.**

10 (a) IN GENERAL.—The Secretary shall require as a
11 term and condition of any lease issued under section 323,
12 the payment of a royalty. The Secretary shall establish
13 such royalty pursuant to a rulemaking. The royalty shall
14 be a percentage of the gross proceeds from the sale of elec-
15 tricity produced on covered land that is the subject of such
16 lease, at a rate that—
17 (1) encourages production of solar or wind en-
18 ergy;
19 (2) ensures a fair return to the public com-
20 parable to the return that would be obtained on
21 State or private land; and
22 (3) encourages the maximum energy generation
23 while disturbing the least quantity of covered land
24 and other natural resources, including water.

1 (b) CONSIDERATION.—In establishing the royalty
2 under subsection (a), the Secretary shall consider the rel-
3 ative capacity factors of wind and solar energy projects.
4 (c) EXCLUSIVE PAYMENT ON SALE OF ELEC-
5 TRICITY.—The royalty under subsection (a) shall be the
6 only rent, royalty, or similar payment to the Federal Gov-
7 ernment required with respect to the sale of electricity pro-
8 duced under a lease issued under section 323.
9 (d) ROYALTY RELIEF.—The Secretary may reduce
10 the royalty rate established under subsection (a) if the
11 holder of a lease issued under this Act shows by clear and
12 convincing evidence that—
13 (1) collection of the full royalty would unreason-
14 ably burden energy generation on covered land that
15 is the subject of the lease; and
16 (2) the royalty reduction is in the public inter-
17 est.
18 (e) ENFORCEMENT.—
19 (1) AUDITING SYSTEM.—The Secretary shall
20 establish a comprehensive inspection, collection, fis-
21 cal, and production accounting and auditing sys-
22 tem—
23 (A) to accurately determine royalties, in-
24 terest, fines, penalties, fees, deposits, and other
25 payments owed under this subtitle; and

1 (B) to collect and account for the pay-
2 ments in a timely manner.
3 (2) APPLICABILITY OF FEDERAL OIL AND ROY-
4 ALTY MANAGEMENT ACT OF 1982.—The provisions of
5 the Federal Oil and Gas Royalty Management Act
6 of 1982 (30 U.S.C. 1701 et seq.) (including the civil
7 and criminal enforcement provisions of such Act)
8 shall apply to leases issued under this subtitle with
9 respect to wind and solar energy projects in the
10 same manner as such provisions apply to oil and gas
11 leases.
12 (f) REPORT ON ROYALTIES.—Not later than 5 years
13 after the date of enactment of this Act and every 5 years
14 thereafter, the Secretary shall submit to the Committee
15 on Energy and Natural Resources of the Senate and the
16 Committee on Natural Resources of the House of Rep-
17 resentatives a report consisting of a review of the collec-
18 tions and impacts of the royalties and fees collected under
19 this subtitle, including—
20 (1) the total revenues received (by category) on
21 an annual basis as royalties from wind and solar en-
22 ergy development and production (specified by en-
23 ergy source) on covered land;
24 (2) whether the revenues received for the devel-
25 opment of wind and solar energy development are

1 comparable to the revenues received for similar de-
2 velopment on State or private land;
3 (3) any impact on the development of wind and
4 solar energy on covered land as a result of the royal-
5 ties; and
6 (4) any recommendations with respect to
7 changes in Federal law (including regulations) relat-
8 ing to the amount or method of collection (including
9 auditing, compliance, and enforcement) of the royal-
10 ties.
11 (g) REGULATIONS.—Not later than one year after the
12 date of the enactment of this Act, the Secretary shall issue
13 final regulations to carry out this section.
14 **SEC. 325. DISPOSITION OF ROYALTY REVENUE.**
15 (a) ALLOCATION OF REVENUE.—All amounts col-
16 lected by the Secretary as royalties or bonuses under sub-
17 section (a)(5) or (c)(6) of section 323 shall be distributed
18 as follows:
19 (1) 25 percent shall be paid by the Secretary of
20 the Treasury to States within the boundaries of
21 which the royalties or bonuses are derived, to be al-
22 located among such States based on the percentage
23 of covered land from which such royalties or bonuses
24 are derived in each State.

1 (2) 25 percent shall be paid by the Secretary of
2 the Treasury to the counties within the boundaries
3 of which the royalties or bonuses are derived, to be
4 allocated among such counties based on the percent-
5 age of covered land from which such royalties or bo-
6 nuses are derived in each county.
7 (3) 25 percent shall be deposited into the Fish
8 and Wildlife Restoration Fund established by sub-
9 section (b) and used in accordance with that sub-
10 section.
11 (4) For the period that begins on the date of
12 the enactment of this Act and ending on the date
13 that is 15 years after the date of the enactment of
14 this Act, 15 percent shall be paid by the Secretary
15 of the Treasury directly to the State offices of the
16 Bureau of Reclamation with jurisdiction over the
17 areas of which the royalties or bonuses are derived
18 for purposes of reducing the number of renewable
19 energy permits that have not been processed before
20 the date of the enactment of this Act, to be allocated
21 among such offices based on the percentage of cov-
22 ered land from which the royalties or bonuses are
23 derived in each State.

1 (5) The remainder shall be deposited into the
2 general fund of the Treasury for purposes of reduc-
3 ing the annual Federal budget deficit.
4 (b) FISH AND WILDLIFE RESTORATION FUND.—
5 (1) ESTABLISHMENT.—There is established in
6 the Treasury a Fish and Wildlife Restoration Fund
7 to be administered by the Secretary of the Interior
8 for use in regions impacted by the development of
9 hydropower by Federal agencies, including the Bu-
10 reau of Reclamation, and the development of wind or
11 solar energy on Bureau of Reclamation land.
12 (2) USE OF FUNDS.—The Secretary shall use
13 amounts in the Fund to take actions and to make
14 payments to State agencies, Federal agencies, or
15 other interested persons in such regions for—
16 (A) protecting and restoring important fish
17 and wildlife habitat and native populations in
18 such regions, including corridors, water re-
19 sources, and other sensitive land; and
20 (B) improving fish species habitat or na-
21 tive population within the boundaries and down-
22 stream of a Bureau of Reclamation project.
23 (3) AVAILABILITY OF AMOUNTS.—Amounts in
24 the Fund shall be available for expenditure, in ac-

1 cordance with this subsection, without further appro-
2 priation and without fiscal year limitation.
3 (4) INVESTMENT OF FUND.—
4 (A) IN GENERAL.—Any amounts deposited
5 in the Fund shall earn interest in an amount
6 determined by the Secretary of the Treasury on
7 the basis of the current average market yield on
8 outstanding marketable obligations of the
9 United States of comparable maturities.
10 (B) DEPOSIT.—Any interest earned under
11 subparagraph (A) shall be deposited into the
12 Fund.
13 (5) MITIGATION REQUIREMENTS.—The expend-
14 iture of funds under this subsection shall be sepa-
15 rate and distinct from any mitigation requirements
16 imposed pursuant to any law, regulation, or term or
17 condition of any lease, right-of-way, or other author-
18 ization.
19 (c) ALLOCATION FOR PERMITTING AFTER EXPIRA-
20 TION OF 15-YEAR PERIOD.—
21 (1) CERTIFICATION BY SECRETARY.—At the
22 end of the period described in subsection (a)(4), the
23 Secretary shall certify whether the State offices re-
24 ferred to in such subsection have adequately reduced

1 the renewable energy permitting backlog referred to
2 in such subsection.
3 (2) ALLOCATION AFTER CERTIFICATION.—If
4 the Secretary certifies under paragraph (1) that—
5 (A) the State offices referred to in such
6 paragraph have not adequately reduced the
7 backlog referred to in such paragraph—
8 (i) the period described in subsection
9 (a)(4) shall be extended by an additional
10 15-year period; and
11 (ii) payments shall continue to be
12 made during that period as described in
13 such subsection; or
14 (B) the State offices referred to in such
15 paragraph have adequately reduced such back-
16 log—
17 (i) two-thirds of the amount otherwise
18 required to be paid under subsection (a)(4)
19 shall be added to the amount deposited in
20 the Fund established under subsection (b);
21 and
22 (ii) one-third of such amount shall be
23 deposited into the general fund of the
24 Treasury for purposes of reducing the an-
25 nual Federal budget deficit.

1 (d) PAYMENTS TO STATES AND COUNTIES.—

2 (1) IN GENERAL.—Amounts paid to States and
3 counties under subsection (a) shall be used in a
4 manner that is consistent with section 35 of the
5 Mineral Leasing Act (30 U.S.C. 191).

6 (2) IMPACTS.—Not less than 35 percent of the
7 amount paid to a State each fiscal year shall be used
8 for the purposes described in subsection (b)(2).

9 Subtitle D—Improved Reclamation
10 Crop Data

11 **SEC. 331. DEFINITIONS.**

12 For the purposes of this subtitle:

13 (1) AGRICULTURAL WATER CONTRACT.—The
14 term "agricultural water contract" means any con-
15 tract or arrangement, including water service con-
16 tracts, repayment contracts, water rights settlement
17 contracts, exchange contracts, or other form of
18 agreement, through which agricultural users receive
19 water and deliveries through a facility owned, oper-
20 ated, or constructed in whole or in part by the Bu-
21 reau of Reclamation, including contracts under the
22 Reclamation Act of 1902 (ch. 1093; 32 Stat. 388)
23 as amended and supplemented.

24 (2) DROUGHT EMERGENCY.—The term
25 "drought emergency" means a period when a state

1 of drought emergency declared by the Governor of
2 the State is in effect.

3 (3) FEDERALLY DEVELOPED WATER SUP-
4 PLIES.—The term "federally developed water sup-
5 plies" means water supplies derived from a project
6 developed by the Secretary pursuant to Federal law.

7 (4) SECRETARY.—The term "Secretary" means
8 the Secretary of the Interior, acting through the
9 Commissioner of the Bureau of Reclamation.

10 (5) WATER-INTENSE PERMANENT CROP.—The
11 term "water-intense permanent crop" means any
12 crop considered by the Secretary, after consultation
13 with the Secretary of Agriculture, to be
14 unsustainable for an area given its expected level of
15 rainfall in the absence of the federally developed
16 water supply.

17 **SEC. 332. DETERMINATION OF PLANTING OF WATER-IN-**
18 **TENSE PERMANENT CROPS.**

19 The Secretary shall survey agricultural water con-
20 tracts related to federally developed water supplies to de-
21 termine if water-intense permanent crops have been plant-
22 ed by or on behalf of the customers or beneficiaries of any
23 agricultural water contract during a drought emergency.
24 The survey shall include the examination of all such con-
25 tracts in effect at any time during the period from the

1 date of the enactment of this Act and until the date that
2 is 10 years before the date of the enactment of this Act.

3 **SEC. 333. REPORT RELATED TO WATER-INTENSE PERMA-**
4 **NENT CROPS.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Secretary shall submit a report based
7 on the survey conducted pursuant to section 331 and other
8 information available to the Secretary to Congress that in-
9 cludes—

10 (1) the number and location of acres put into
11 production of water-intense permanent crops during
12 a drought emergency;

13 (2) the types of water-intense permanent crops
14 put into production on each acre; and

15 (3) the impact that putting the water-intense
16 permanent crops into production had and is pro-
17 jected to have on the water demands for the agricul-
18 tural water contracts and federally developed water
19 supply related to those crops.

Subtitle E—Improved Oversight of State Injection Wells

SEC. 341. AMENDMENT TO THE SAFE DRINKING WATER ACT.

Section 1422 of the Safe Drinking Water Act (42 U.S.C. 300h–1) is amended by adding at the end the following new subsection:

"(f) For the purposes of subsection (c), if the Administrator finds that a State has, at any time, improperly issued permits under the State's underground injection control program and the State fails to address such deficiencies and take sufficient remedial action, as determined by the Administrator, by the date that is 90 days after the date on which the Administrator notifies the State of such finding, the State shall be considered to no longer meet the requirements of clause (i) or (ii) of subsection (b)(1)(A) until such time as the State has addressed the deficiencies and taken sufficient remedial action, as determined by the Administrator.".

Subtitle F—Combating Water Theft for Illegal Marijuana Cultivation

SEC. 351. POLICY DIRECTIVE ON ILLEGAL WATER DIVERSION FOR MARIJUANA CULTIVATION.

Not later than 90 days after the date of enactment of this Act, the Director of National Drug Control Policy,

1 in collaboration with the Secretary of the Interior and the
2 Administrator of the Environmental Protection Agency,
3 shall determine the amount of water diverted for mari-
4 juana cultivation in each of the high intensity drug traf-
5 ficking areas (as designated under section 707 of the Of-
6 fice of National Drug Control Policy Reauthorization Act
7 of 1998 (21 U.S.C. 1706)) within the State of California
8 and other States with declared droughts.

9 **SEC. 352. ENVIRONMENTAL REPORTING REQUIREMENTS**
10 **FOR DOMESTIC CANNABIS ERADICATION**
11 **PROGRAM.**

12 Not later than 1 year after the date of enactment
13 of this Act, and annually thereafter, the Attorney General
14 shall require, as a condition of the receipt of any funds
15 under the Domestic Cannabis Eradication/Suppression
16 program of the Drug Enforcement Administration, or any
17 successor program thereto, a report from any participant
18 in such program containing information on the environ-
19 mental consequences of actions taken pursuant to pro-
20 gram participation. The Attorney General, in making any
21 determination to provide funding under the program, shall
22 take into account the information so reported.

23 **SEC. 353. TRESPASS MARIJUANA LOCATION REGISTRY.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Attorney General shall establish and main-

1 tain a registry, in which reports received by the Attorney
2 General of incidents of cultivation of marijuana on Federal
3 or State property or while intentionally trespassing on the
4 property of another will be recorded and, to the extent
5 feasible, made available to the public.

6 **SEC. 354. FUNDING FOR REMEDIATION OF TRESPASS MARI-**
7 **JUANA SITES.**

8 (a) FROM FORFEITURE FUND.—Section
9 524(c)(1)(E)(ii) of title 28, United States Code, is amend-
10 ed—

11 (1) by striking "and" at the end of subclause
12 (I);

13 (2) by inserting "and" after the semicolon at
14 the end of subclause (II); and

15 (3) by inserting after subclause (II) the fol-
16 lowing:

17 "(III) costs incurred by or on behalf of any
18 State, local, or tribal government in connection
19 with the remediation of any area formerly used
20 for the production or cultivation of marijuana,
21 including the removal of any hazardous sub-
22 stance or pollutant or contaminant, in which
23 such State, local, or tribal government has as-
24 sisted in a Federal prosecution related to mari-
25 juana;".

1 (b) FROM RESTITUTION IN CRIMINAL CASES.—Sec-
2 tion 413(q) of the Controlled Substances Act (21 U.S.C.
3 853(q)) is amended—
4 (1) by striking "or methamphetamine" the first
5 place it appears and inserting ", methamphetamine,
6 or marijuana"; and
7 (2) by inserting after "or methamphetamine"
8 the second place it appears the following: ", or cul-
9 tivation of marijuana,".

10 **SEC. 355. VOLUNTARY GUIDELINES.**

11 (a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—
12 Not later than 6 months after the date of enactment of
13 this Act, the Secretary of Agriculture (in this section re-
14 ferred to as the "Secretary"), in consultation with other
15 appropriate Federal agencies, including the Environ-
16 mental Protection Agency, shall establish voluntary guide-
17 lines, based on the best currently available scientific
18 knowledge—
19 (1) for the remediation of former indoor and
20 outdoor marijuana cultivation and processing sites,
21 including guidelines regarding preliminary site as-
22 sessment and the remediation of residual contami-
23 nants and ecosystems; and
24 (2) for State, local, and tribal governments to
25 use in developing and implementing laws, regula-

1 tions, guidelines, and other policies that apply the
2 best available research and technology to the remedi-
3 ation of former indoor and outdoor marijuana cul-
4 tivation and processing sites.

5 (b) CONSIDERATIONS.—In establishing the voluntary
6 guidelines under subsection (a), the Secretary shall con-
7 sider, at a minimum—

8 (1) relevant standards, guidelines, and require-
9 ments found in Federal, State, tribal, and local laws
10 and regulations;

11 (2) the various types and locations of former
12 marijuana cultivation or processing sites, including
13 both indoor and outdoor sites; and

14 (3) the estimated costs of carrying out any such
15 guidelines.

16 (c) CONSULTATION.—The Secretary shall work with
17 State, local, and tribal governments and other non-Federal
18 agencies and organizations the Secretary determines rel-
19 evant to promote and encourage the adoption of the vol-
20 untary guidelines.

21 (d) REVISIONS TO THE GUIDELINES.—The Secretary
22 shall periodically review and, as the Secretary, in consulta-
23 tion with State, local, and tribal governments and other
24 interested parties, determines necessary and appropriate,
25 revise the voluntary guidelines to incorporate findings of

1 the research conducted pursuant to section 356 and other
2 new knowledge.

3 **SEC. 356. RESEARCH PROGRAM.**

4 The Secretary of Agriculture, in consultation with
5 other appropriate Federal agencies, including the Environ-
6 mental Protection Agency, shall establish a program of re-
7 search to support the development and revision of the vol-
8 untary guidelines established under section 355. Such pro-
9 gram shall—

10 (1) identify marijuana cultivation or processing-
11 related chemicals of concern;

12 (2) assess the types and levels of exposure to
13 chemicals of concern identified under paragraph (1)
14 that may present significant adverse biological ef-
15 fects, and identify actions and additional research
16 necessary to remediate such biological effects;

17 (3) assess the impacts of marijuana cultivation
18 and processing on waterways and bodies of water,
19 and identify actions and additional research nec-
20 essary to remediate such impacts;

21 (4) evaluate the performance of current remedi-
22 ation techniques for marijuana cultivation and proc-
23 essing sites;

24 (5) identify areas where additional research is
25 necessary, including research relating to—

(A) the impacts of indoor and outdoor marijuana cultivation and processing, including biological and hydrological effects and impacts to soil and landscape, such as the potential for erosion; and

(B) the remediation of former indoor or outdoor marijuana cultivation or processing sites;

(6) support other research priorities identified by the Secretary, in consultation with State, local, and tribal governments and other interested parties; and

(7) include collaboration with colleges and universities currently engaged in research on any matter described in this section or additional research priorities determined appropriate by the Secretary.

Subtitle G—SECURE Water Amendments

SEC. 361. AUTHORIZED ACTIVITIES; ELIGIBILITY; AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(H)—

1 (i) in clause (i), by striking "or" at
2 the end;
3 (ii) in clause (ii), by striking the pe-
4 riod and inserting "; or"; and
5 (iii) by adding at the end the fol-
6 lowing:
7 "(iii) to plan for or address the im-
8 pacts of drought."; and
9 (B) in paragraph (2)(A)—
10 (i) by striking "; and" and inserting
11 "; or";
12 (ii) by striking "(A) be located within
13 the States" and inserting the following:
14 "(A) be located in—
15 "(i) the States"; and
16 (iii) by adding at the end the fol-
17 lowing:
18 "(ii) the State of Hawaii; and"; and
19 (2) in subsection (e), by striking "There is"
20 and all that follows through "$200,000,000" and in-
21 serting "There are authorized to be appropriated
22 such sums as are necessary to carry out this section
23 for each of fiscal years 2015 through 2023".

1 **SEC. 362. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
2 **TIONAL WATER AVAILABILITY AND USE AS-**
3 **SESSMENT PROGRAM.**

4 Section 9508(e)(2) of the Omnibus Public Land Man-
5 agement Act of 2009 (42 U.S.C. 10368(e)(2)) is amended
6 by striking "$12,500,000 for the period of fiscal years
7 2009 through 2013" and inserting "such sums as are nec-
8 essary for the period of fiscal years 2014 through 2023".

9 **Subtitle H—Refundable Tax Credit**
10 **for Water-Harvesting Systems**

11 **SEC. 371. REFUNDABLE TAX CREDIT FOR WATER-HAR-**
12 **VESTING SYSTEMS.**

13 (a) IN GENERAL.—Subpart C of part IV of sub-
14 chapter A of subtitle A of the Internal Revenue Code of
15 1986 is amended by inserting after section 36B the fol-
16 lowing new section:

17 **"SEC. 36C. WATER-HARVESTING SYSTEMS.**

18 "(a) IN GENERAL.—In the case of an individual,
19 there shall be allowed as a credit against the tax imposed
20 by this subtitle for any taxable year an amount equal to
21 the aggregate amount paid or incurred for the purchase
22 and installation of a qualified water-harvesting system.

23 "(b) LIMITATION.—The amount allowed as a credit
24 under subsection (a) shall not exceed the excess (if any)
25 of—

26 "(1) $2,000, over

1 "(2) the amount allowed as a credit under sub-
2 section (a) for all prior taxable years.
3 "(c) QUALIFIED WATER-HARVESTING SYSTEM DE-
4 FINED.—For purposes of this section, the term 'qualified
5 water-harvesting system' means earthworks or passive
6 rain gardens, gutters, cisterns, tanks, and other systems
7 that meet the guidelines developed under subsection (d)
8 and that are installed in the United States with respect
9 to the principal place of abode of the taxpayer.
10 "(d) GUIDELINES.—The Secretary, in consultation
11 with the Administrator of the Environmental Protection
12 Agency, shall—
13 "(1) develop guidelines for the identification
14 and approval of qualified water-harvesting systems,
15 and
16 "(2) shall review and, if appropriate, update
17 such guidelines at least once every 6 years.
18 Such guidelines shall include the establishment and main-
19 tenance of performance criteria so that products, land-
20 scapes, and processes meet industry standards for water-
21 efficiency and water-capture. In developing and updating
22 guidelines under this subsection, the Secretary shall solicit
23 public comment.

1 "(e) REGULATIONS.—The Secretary shall prescribe
2 such regulations or other guidance as may be necessary
3 or appropriate to carry out subsection (a).".
4 (b) CONFORMING AMENDMENTS.—
5 (1) Section 1324(b)(2) of title 31, United
6 States Code, is amended by inserting "36C," after
7 "36B,".
8 (2) The table of sections for subpart C of part
9 IV of subchapter A of chapter 1 of the Internal Rev-
10 enue Code of 1986 is amended by inserting after the
11 item relating to section 36B the following new item:
"Sec. 36C. Water-harvesting systems.".
12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to taxable years beginning after
14 the date of the enactment of this Act.

15 Subtitle I—Funding for Construction for Additional Project Benefits
16
17

18 SEC. 381. FUNDING FOR CONSTRUCTION FOR ADDITIONAL 19 PROJECT BENEFITS.

20 The Reclamation Safety of Dams Act of 1978 (43
21 U.S.C. 509 et seq.) is amended—
22 (1) in section 3, by striking "Construction" and
23 inserting "Except as provided in section 5, construc-
24 tion"; and
25 (2) by inserting after section 5A the following:

1 "SEC. 5B. (a) Notwithstanding section 3, if the Sec-
2 retary determines that additional project benefits, such as
3 additional conservation storage capacity, are feasible and
4 not inconsistent with the purposes of this Act, the Sec-
5 retary is authorized to develop additional project benefits
6 through the construction of new or supplementary works
7 on a project in conjunction with the Secretary's activities
8 under section 2 and subject to the conditions described
9 in the feasibility study, if—
10 "(1) the Secretary determines that developing
11 additional project benefits through the construction
12 of new or supplementary works on a project is likely
13 to promote more efficient management of water and
14 water-related facilities;
15 "(2) the feasibility study pertaining to addi-
16 tional project benefits has been authorized pursuant
17 to section 8 of the Federal Water Project Recreation
18 Act of 1965 (16 U.S.C. 460*l*–18); and
19 "(3) the Secretary determines, in advance of
20 funds being committed or expanded, that—
21 "(A) the project sponsor shall provide
22 funding for not less than 75 percent of project
23 costs;
24 "(B) the project shall generate environ-
25 mental enhancement, including increase water

1 deliveries for environmental flows or refuge
2 water supplies, that justify a non-reimbursable
3 Federal cost share of not more than 25 percent
4 and that a share of the increased water supply
5 made possible from expanded storage capacity
6 equal to the Federal cost share shall be made
7 available for such environmental purposes;
8 "(C) all of the estimated costs properly al-
9 locable to irrigation, power, and municipal
10 water supply or other miscellaneous purposes
11 are included in the non-Federal cost share;
12 "(D) any State cost identified shall be pro-
13 cured or committed by the State; and
14 "(E) the project sponsor shall complete a
15 feasibility study consistent with Bureau of Rec-
16 lamation requirements and report the findings
17 of that study to the Secretary.
18 "(b) If the project sponsor has a completed feasibility
19 study and the Secretary makes a finding of feasibility, the
20 Secretary is authorized to expend available appropriated
21 funds for construction of the project if—
22 "(1) in the determination of the Secretary an
23 analysis commensurate with risk has been performed
24 that demonstrates that—

"(A) financial feasibility or capability for reimbursable project purposes and any remaining non-reimbursable project purposes not being funded by the maximum 25-percent Federal cost-share; and

"(B) the costs of non-reimbursable project purposes to be borne by the United States are justified by the environmental enhancement, including increase water deliveries for environmental flows or refuge water supplies, and that the Federal share of the project costs shall not exceed 25 percent; and

"(2) any environmental document prepared by the project sponsor is supplemented to address any changes to the project that the Secretary determines are necessary.".

Subtitle J—Open Water Data System

SEC. 391. OPEN WATER DATA SYSTEM.

(a) DEFINITIONS.—In this section:

(1) EDUCATIONAL INSTITUTION.—The term "educational institution" means—

(A) a public or private elementary or secondary school;

1 (B) an institution of vocational, profes-
2 sional, or higher education (including a junior
3 college or teachers' college); and
4 (C) an association of schools or institutions
5 described in subparagraphs (A) and (B).
6 (2) INDIAN TRIBE.—The term "Indian tribe"
7 has the meaning given that term in section 4 of the
8 Indian Self-Determination and Education Assistance
9 Act (25 U.S.C. 450b).
10 (3) SECRETARY.—The term "Secretary" means
11 the Secretary of the Interior, acting through the Di-
12 rector of the United States Geological Survey.
13 (4) STATE.—The term "State" means—
14 (A) a State;
15 (B) the District of Columbia;
16 (C) the Commonwealth of Puerto Rico;
17 and
18 (D) any other territory or possession of the
19 United States.
20 (5) SYSTEM.—The term "system" means the
21 open water data system established under subsection
22 (b).
23 (b) SYSTEM.—The Secretary shall establish and
24 maintain an open water data system within the United
25 States Geological Survey to advance the availability, time-

1 ly distribution, and widespread use of water data and in-
2 formation for water management, education, research, as-
3 sessment, and monitoring purposes.

4 (c) PURPOSES.—The purposes of the system are—

5 (1) to advance the quantification of the avail-
6 ability, use of, and risks to, water resources through-
7 out the United States;

8 (2) to increase accessibility to, and expand the
9 use of, water data and information in a standard,
10 easy-to-use format by Federal, State, local, and trib-
11 al governments, communities, educational institu-
12 tions, and the private sector; and

13 (3) to facilitate the open exchange of water in-
14 formation particularly in the face of climate change
15 and unprecedented drought.

16 (d) ACTIVITIES.—In carrying out this section, the
17 Secretary shall—

18 (1) integrate water data and information into a
19 interoperable, national, geospatially referenced water
20 data framework;

21 (2) identify new water data and information
22 needs, including data on surface and groundwater
23 quality and quantity, sediment, erosion, transport,
24 water chemistry, precipitation, reservoir storage,
25 water cycle, landscape variables, hydrography, cli-

1 mate and weather impacts, soil moisture, and human
2 use;
3 (3) leverage existing shared databases, infra-
4 structure, and tools to provide a platform for water
5 data and information innovation, modeling and data
6 sharing, and solution development;
7 (4) support water data and information shar-
8 ing, applied research, and educational programs of
9 State, local, and tribal governments, communities,
10 educational institutions, and the private sector; and
11 (5) promote cooperation and sharing of exper-
12 tise regarding water data and information among
13 State, local, and tribal governments, communities,
14 educational institutions, and the private sector.
15 (e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 such sums as are necessary.

18 TITLE IV—PLANNING FOR THE 19 FUTURE

20 Subtitle A—X-Prize for 21 Desalination Breakthroughs

22 SEC. 401. SHORT TITLE.

23 This subtitle may be cited as the "Water Innovation
24 and Prize Competition Act of 2015".

1 **SEC. 402. WATER TECHNOLOGY AWARD PROGRAM.**

2 (a) PROGRAM ESTABLISHED.—The Secretary of En-
3 ergy shall, in consultation with the Administrator of the
4 Environmental Protection Agency and the Secretary of the
5 Interior, working through the Bureau of Reclamation, es-
6 tablish a program to award prizes to eligible persons de-
7 scribed in subsection (b) for achievement in one or more
8 of the following applications of water technology:

9 (1) Demonstration of desalination of brackish
10 or sea water with significantly less energy than com-
11 mercially available reverse osmosis technology.

12 (2) Demonstration of portable or modular de-
13 salination units that can process 1 to 5,000,000 gal-
14 lons per day that could be deployed for temporary
15 emergency uses in coastal communities or commu-
16 nities with brackish ground water supplies.

17 (3) Demonstration of significant advantages
18 over commercially available reverse osmosis tech-
19 nology as determined by the board established under
20 subsection (c).

21 (b) ELIGIBLE PERSON.—An eligible person described
22 in this subsection is—

23 (1) an individual who is—

24 (A) a citizen or legal resident of the
25 United States; or

1 (B) a member of a group that includes
2 citizens or legal residents of the United States;
3 or
4 (2) an entity that is incorporated and maintains
5 its primary place of business in the United States.
6 (c) ESTABLISHMENT OF BOARD.—
7 (1) IN GENERAL.—The Secretary of Energy
8 shall establish a board to administer the program es-
9 tablished under subsection (a).
10 (2) MEMBERSHIP.—The board shall be com-
11 posed of not less than 15 and not more than 21
12 members appointed by the President, of whom—
13 (A) not less than 1 shall—
14 (i) be a representative of the interests
15 of academic, business, and nonprofit orga-
16 nizations; and
17 (ii) have expertise in—
18 (I) the field of water technology,
19 including desalination; or
20 (II) administering award com-
21 petitions; and
22 (B) not less than 1 shall be from each of—
23 (i) the Department of Energy;
24 (ii) the Environmental Protection
25 Agency;

1 (iii) the Bureau of Reclamation of the
2 Department of the Interior; and
3 (iv) the National Science Foundation.
4 (d) AWARDS.—Subject to the availability of appro-
5 priations, the board established under subsection (c) may
6 make awards under the program established under sub-
7 section (a) as follows:
8 (1) FINANCIAL PRIZE.—The board may hold a
9 financial award competition and award a financial
10 award in an amount determined before the com-
11 mencement of the competition to the first competitor
12 to meet such criteria as the board shall establish.
13 (2) RECOGNITION PRIZE.—
14 (A) IN GENERAL.—The board may recog-
15 nize an eligible person for superlative achieve-
16 ment in one or more applications described in
17 subsection (a).
18 (B) NO FINANCIAL REMUNERATION.—An
19 award under this paragraph shall not include
20 any financial remuneration.
21 (C) NATIONAL TECHNOLOGY AND INNOVA-
22 TION MEDAL RECOMMENDATIONS.—For each
23 eligible person recognized under this paragraph,
24 the board shall recommend to the Secretary of
25 Commerce that the Secretary recommend to the

1 President under section 16(b) of the Stevenson-
2 Wydler Technology Innovation Act of 1980 (15
3 U.S.C. 3711) that the President award the Na-
4 tional Technology and Innovation Medal estab-
5 lished under section 16(a) of such Act to such
6 eligible person.
7 (e) ADMINISTRATION.—
8 (1) CONTRACTING.—The board established
9 under subsection (c) may contract with a private or-
10 ganization to administer a financial award competi-
11 tion described in subsection (d)(1).
12 (2) SOLICITATION OF FUNDS.—A member of
13 the board or any administering organization with
14 which the board has a contract under paragraph (1)
15 may solicit gifts from private and public entities to
16 be used for a financial award under subsection
17 (d)(1).
18 (3) LIMITATION ON PARTICIPATION OF DO-
19 NORS.—The board may allow a donor who is a pri-
20 vate person described in paragraph (2) to participate
21 in the determination of criteria for an award under
22 subsection (d), but such donor may not solely deter-
23 mine the criteria for such award.
24 (4) NO ADVANTAGE FOR DONATION.—A donor
25 who is a private person described in paragraph (3)

1 shall not be entitled to any special consideration or
2 advantage with respect to participation in a financial
3 award competition under subsection (d)(1).
4 (f) INTELLECTUAL PROPERTY.—The Federal Gov-
5 ernment may not acquire an intellectual property right in
6 any product or idea by virtue of the submission of such
7 product or idea in any competition under subsection
8 (d)(1).
9 (g) LIABILITY.—The board established under sub-
10 section (c) may require a competitor in a financial award
11 competition under subsection (d)(1) to waive liability
12 against the Federal Government for injuries and damages
13 that result from participation in such competition.
14 (h) ANNUAL REPORT.—Each year, the board estab-
15 lished under subsection (c) shall submit to Congress a re-
16 port on the program established under subsection (a).
17 (i) AUTHORIZATION OF APPROPRIATIONS.—
18 (1) IN GENERAL.—There are authorized to be
19 appropriated sums for the program established
20 under subsection (a) as follows:
21 (A) For administration of prize competi-
22 tions under subsection (d), $750,000 for each
23 fiscal year.
24 (B) For the awarding of a financial prize
25 award under subsection (d)(1), in addition to

1 any amounts received under subsection (e)(2),
2 $2,000,000 for each fiscal year.
3 (2) AVAILABILITY.—Amounts appropriated pur-
4 suant to the authorization of appropriations under
5 paragraph (1) shall remain available until expended.

6 Subtitle B—Drought Planning As-
7 sistance Through NRCS and
8 Reclamation

9 SEC. 411. DROUGHT PLANNING ASSISTANCE THROUGH
10 NRCS AND RECLAMATION.

11 (a) IN GENERAL.—The Secretary of Agriculture, act-
12 ing through the Natural Resources Conservation Service,
13 in collaboration with the Secretary of the Interior, acting
14 through the Bureau of Reclamation, shall, upon request,
15 provide assistance to water or power delivery authorities,
16 including water districts and irrigation districts, that are
17 authorized under subtitle F of title IX of the Omnibus
18 Public Land Management Act of 2009 (42 U.S.C. 10362
19 et seq.) to receive financial assistance from the Bureau
20 of Reclamation, for the purposes of increasing water use
21 efficiency and providing on-farm assistance to address
22 water quantity and water quality conservation practices.
23 (b) TYPES OF ASSISTANCE.—Assistance under sub-
24 section (a) shall include—
25 (1) hydrological forecasting;

1 (2) assessment of water supply sources under
2 different water year classification types;
3 (3) identification of alternative water supply
4 sources;
5 (4) guidance on potential water transfer part-
6 ners;
7 (5) technical assistance regarding Federal and
8 State permits and contracts under the Act of Feb-
9 ruary 21, 1911 (36 Stat. 925, chapter 141) (com-
10 monly known as the "Warren Act");
11 (6) installation of districtwide or on-farm water
12 efficiency and conservation technologies, including
13 behavioral water efficiency, system modernizations
14 (including leak repair and supervisory control and
15 data acquisition systems), and other technologies
16 that have been proven to provide improvements in
17 water use efficiency through verification by a third
18 party;
19 (7) technical assistance regarding emergency
20 provision of water supplies for critical health and
21 safety purposes; and
22 (8) activities carried out in conjunction with the
23 National Oceanic and Atmospheric Administration,
24 the National Integrated Drought Information Sys-
25 tem, and the State partners of the National Inte-

1 grated Drought Information System under the Na-
2 tional Integrated Drought Information System Act
3 of 2006 (15 U.S.C. 313d)—
4 (A) to collect and integrate key indicators
5 of drought severity and impacts; and
6 (B) to produce and communicate timely
7 monitoring and forecast information to local
8 and regional communities.

9 Subtitle C—Drought Preparedness
10 for Fisheries

11 **SEC. 421. DROUGHT PREPAREDNESS FOR FISHERIES.**

12 (a) SALMON DROUGHT PLAN.—Not later than Janu-
13 ary 1, 2016, the Director of the United States Fish and
14 Wildlife Service shall, in consultation with the National
15 Marine Fisheries Service, the Bureau of Reclamation, the
16 Army Corps of Engineers, and the California Department
17 of Fish and Wildlife, prepare a California salmon drought
18 plan. The plan shall investigate options to protect salmon
19 populations originating in the State of California, con-
20 tribute to the recovery of populations listed under the En-
21 dangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
22 and contribute to the goals of the Central Valley Project
23 Improvement Act (Public Law 102–575). The plan shall
24 focus on actions that can aid salmon populations during
25 the driest years. Strategies investigated shall include—

1 (1) relocating the release location and timing of
2 hatchery fish to avoid predation and temperature
3 impacts;
4 (2) barging of hatchery release fish to improve
5 survival and reduce straying;
6 (3) coordinating with water users, the Bureau
7 of Reclamation, and the California Department of
8 Water Resources regarding voluntary water trans-
9 fers, to determine if water released upstream to
10 meet the needs of downstream or South-of-Delta
11 water users can be managed in a way that provides
12 additional benefits for salmon;
13 (4) hatchery management modifications, such
14 as expanding hatchery production of listed fish dur-
15 ing the driest years, if appropriate;
16 (5) increasing rescue operations of upstream
17 migrating fish; and
18 (6) improving temperature modeling and related
19 forecasted information to predict water management
20 impacts to salmon and salmon habitat with a higher
21 degree of accuracy than current models.
22 (b) COORDINATION WITH FISHERIES AGENCIES.—In
23 preparing the plan under subsection (a), the Director shall
24 coordinate with the National Marine Fisheries Service and
25 relevant State agencies.

1 (c) APPROPRIATION.—There is hereby appropriated
2 for fiscal year 2014, out of any funds in the Treasury not
3 otherwise appropriated, a total amount of $3,000,000, to
4 remain available until the end of the period during which
5 the State's emergency drought designation is in effect, for
6 the United States Fish and Wildlife Service for urgent
7 fish, stream, and hatchery activities related to extreme
8 drought conditions, including work with the National Ma-
9 rine Fisheries Service, the Bureau of Reclamation, the
10 Army Corps of Engineers, the California Department of
11 Fish and Wildlife, or a qualified tribal government.
12 (d) QUALIFIED TRIBAL GOVERNMENT DEFINI-
13 TION.—For the purposes of this section, the term "quali-
14 fied tribal government" means any government of an In-
15 dian tribe that the Secretary of the Interior determines—
16 (1) is involved in salmon management and re-
17 covery activities including under the Endangered
18 Species Act of 1973 (16 U.S.C. 1531 et seq.); and
19 (2) has the management and organizational ca-
20 pability to maximize the benefits of assistance pro-
21 vided under this section.

1 **Subtitle D—National Emergency**
2 **Planning Response**

3 **SEC. 431. NATIONAL EMERGENCY PLANNING RESPONSE.**

4 (a) CATASTROPHIC DROUGHT PLAN.—Not later than
5 120 days after the date of enactment of this Act, the
6 President shall update the National Response Plan and
7 the National Disaster Recovery Framework to include a
8 plan for catastrophic drought that calls on the capabilities
9 of all applicable Federal agencies and departments, includ-
10 ing the pre-positioning of Federal resources to provide
11 emergency 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 504(a)(6) of the Homeland
17 Security Act of 2002 (6 U.S.C. 314(a)(6)); 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 (6 U.S.C. 771).

1 **Subtitle E—Military Preparedness**
2 **for Desalination**

3 **SEC. 441. REPORT ON DESALINIZATION TECHNOLOGY.**

4 Not later than 90 days after the date of enactment
5 of this Act, the Secretary of the Navy shall submit to Con-
6 gress a report on desalinization technology's application
7 for defense and national security purposes to provide
8 drought relief to areas impacted by sharp declines in water
9 supply.

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AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

114TH CONGRESS
1ST SESSION

S. 1894

To provide short-term water supplies to drought-stricken California.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2015

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To provide short-term water supplies to drought-stricken California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "California Emergency Drought Relief Act of 2015".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CALIFORNIA EMERGENCY DROUGHT RELIEF

Subtitle A—Drought Relief Actions

Sec. 101. Emergency operations.

Sec. 102. Emergency environmental reviews.
Sec. 103. State revolving funds.

Subtitle B—Protection of Third-Party Water Rights

Sec. 111. Offset for State water project.
Sec. 112. Area of origin and water rights protections.
Sec. 113. No redirected adverse impacts.

Subtitle C—General Provisions

Sec. 121. Effect on existing obligations.
Sec. 122. Level of detail required for analysis.
Sec. 123. Progress report.
Sec. 124. Termination.

TITLE II—ACTIONS TO BENEFIT FISH AND REFUGES

Sec. 201. Actions to benefit threatened and endangered fish populations.
Sec. 202. Pilot program to protect native anadramous fish in Stanislaus River, Delta, and other Delta tributaries.
Sec. 203. Improved science to better protect threatened and endangered fish.
Sec. 204. Actions to benefit refuges.

TITLE III—LONG-TERM WATER SUPPLY PROJECTS

Subtitle A—Desalination and Water Reuse

Sec. 301. Water recycling and desalination projects.
Sec. 302. Reauthorization of Desalination Act.

Subtitle B—Storage

Sec. 311. Definitions.
Sec. 312. Federal support for investments in storage.
Sec. 313. CALFED storage projects.
Sec. 314. Authorization to increase reservoir capacity as part of dam safety projects.
Sec. 315. Reservoir operation improvement.
Sec. 316. Report to Congress.

Subtitle C—Water Recycling, Conservation, Efficiency, and Other Programs

Sec. 321. Promoting water efficiency with WaterSense.
Sec. 322. Increasing opportunities for agricultural conservation.
Sec. 323. Assistance for drought-stricken communities.
Sec. 324. Conservation at California military installations.
Sec. 325. Support for State Water Resources Control Board curtailment of illegal water diversions.
Sec. 326. Combating water theft for illegal marijuana cultivation.
Sec. 327. Support for innovative water supply and conservation technologies.
Sec. 328. Open water data system.

TITLE IV—FEDERAL SUPPORT FOR STATE AND LOCAL DROUGHT RESILIENCY PROJECTS

Subtitle A—Reclamation Infrastructure Finance and Innovation Act

Sec. 401. Purposes.

Sec. 402. Definitions.
Sec. 403. Authority to provide assistance.
Sec. 404. Applications.
Sec. 405. Eligibility for assistance.
Sec. 406. Determination of eligibility and project selection.
Sec. 407. Secured loans.
Sec. 408. Program administration.
Sec. 409. State and local permits.
Sec. 410. Regulations.
Sec. 411. Funding.
Sec. 412. Deauthorization of inactive projects.

Subtitle B—Expansion of Water Storage, Integrated Regional Water Management, and WaterSMART

Sec. 421. Water storage, integrated regional water management, reclamation, and recycling projects.

Subtitle C—Water Recycling Eligibility

Sec. 431. New water recycling and reuse projects.

Subtitle D—Federal Support for State and Local Drought Solutions Fund

Sec. 441. Establishment.
Sec. 442. Accounts.
Sec. 443. Deposits to Fund.
Sec. 444. Expenditures from Fund.
Sec. 445. Investments of amounts.
Sec. 446. Transfers of amounts.
Sec. 447. Termination.

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTRAL VALLEY PROJECT.—The term "Central Valley Project" has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707).

(2) DELTA.—The term "Delta" means the Sacramento-San Joaquin Delta and the Suisun Marsh (as defined in section 12220 of the California Water Code and section 29101 of the California Public Re-

1 sources Code (as in effect on the date of enactment
2 of this Act)).
3 (3) SALMONID BIOLOGICAL OPINION.—The
4 term "salmonid biological opinion" means the bio-
5 logical and conference opinion of the National Ma-
6 rine Fisheries Service, dated June 4, 2009, on the
7 long-term operation of the Central Valley Project
8 and the State Water Project, including the operative
9 incidental take statement of that opinion.
10 (4) SMELT BIOLOGICAL OPINION.—The term
11 "smelt biological opinion" means the biological opin-
12 ion, dated December 15, 2008, on the coordinated
13 operation of the Central Valley Project and the
14 State Water Project, including the operative inci-
15 dental take statement of that opinion.
16 (5) STATE.—The term "State" means the State
17 of California.
18 (6) STATE WATER PROJECT.—The term "State
19 Water Project" means the water project described in
20 chapter 5 of part 3 of division 6 of the California
21 Water Code (sections 11550 et seq. (as in effect on
22 the date of enactment of this Act)) and operated by
23 the California Department of Water Resources.

TITLE I—CALIFORNIA EMERGENCY DROUGHT RELIEF

Subtitle A—Drought Relief Actions

SEC. 101. EMERGENCY OPERATIONS.

(a) WATER SUPPLIES.—

(1) IN GENERAL.—In response to the declaration of a state of drought emergency by the Governor of the State, the Secretary of the Interior and Secretary of Commerce shall provide the maximum quantity of water supplies possible to Central Valley Project agricultural, municipal and industrial, and refuge service and repayment contractors, State Water Project contractors, and any other locality or municipality in the State by approving, consistent with applicable laws (including regulations), projects and operations to provide additional water supplies as quickly as possible, based on available information, to address the emergency conditions.

(2) APPLICATION.—Paragraph (1) applies to any project or operation involving the Klamath Project, if the project or operation would benefit Federal water contractors in the State.

(b) LIMITATION.—Nothing in this section allows any Federal department or agency to approve a project—

1 (1) that would otherwise require congressional
2 authorization; or
3 (2) without following procedures required by
4 applicable law.
5 (c) ADMINISTRATION.—In carrying out subsection
6 (a), the Secretary of the Interior and Secretary of Com-
7 merce shall, consistent with applicable laws (including reg-
8 ulations)—
9 (1) authorize and implement actions to ensure
10 that the Delta Cross Channel Gates shall remain
11 open to the greatest extent possible, timed to maxi-
12 mize the peak flood tide period and provide water
13 supply and water quality benefits for the duration of
14 the drought emergency declaration of the State, con-
15 sistent with operational criteria and monitoring cri-
16 teria developed pursuant to the California State
17 Water Resources Control Board's Order Approving a
18 Temporary Urgency Change in License and Permit
19 Terms in Response to Drought Conditions, effective
20 January 31, 2014 (or a successor order);
21 (2) collect data associated with the operation of
22 the Delta Cross Channel Gates described in para-
23 graph (1) and the impact of the operation on species
24 listed as threatened or endangered under the Endan-

1 gered Species Act of 1973 (16 U.S.C. 1531 et seq.),
2 water quality, and water supply;
3 (3)(A) implement turbidity control strategies
4 that allow for increased water deliveries while avoid-
5 ing jeopardy to adult Delta smelt (Hypomesus
6 transpacificus) due to entrainment at Central Valley
7 Project and State Water Project pumping plants;
8 and
9 (B) manage reverse flow in the Old and Middle
10 Rivers, as prescribed by the smelt biological opinion
11 and salmonid biological opinion, to minimize water
12 supply reductions for the Central Valley Project and
13 the State Water Project;
14 (4)(A) in a timely manner, evaluate any pro-
15 posal to increase flow in the San Joaquin River
16 through a voluntary sale, transfer, or exchange of
17 water from an agency with rights to divert water
18 from the San Joaquin River or its tributaries; and
19 (B) adopt a 1:1 inflow to export ratio for the
20 increment of increased flow, as measured as a 3-day
21 running average at Vernalis during the period from
22 April 1 through May 31, that results from the vol-
23 untary sale, transfer, or exchange, unless the Sec-
24 retary of the Interior and Secretary of Commerce
25 determine that a 1:1 inflow-to-export ratio for that

1 increment of increased flow will cause impacts on
2 species listed as threatened or endangered under the
3 Endangered Species Act of 1973 (16 U.S.C. 1531 et
4 seq.) beyond those anticipated to occur through the
5 implementation of the salmonid biological opinion.
6 Any individual sale, transfer, or exchange using a
7 1:1 inflow to export ratio adopted under the author-
8 ity of this section may only proceed if—

9 (i) the Secretary of the Interior determines
10 that the environmental effects of the proposed
11 sale, transfer, or exchange are consistent with
12 effects permitted under applicable law (includ-
13 ing the Endangered Species Act (16 U.S.C.
14 1531 et seq.), the Federal Water Pollution Con-
15 trol Act (33 U.S.C. 1381 et seq.), and the Por-
16 ter-Cologne Water Quality Control Act (Cali-
17 fornia Water Code 13000 et seq.));

18 (ii) Delta conditions are suitable to allow
19 movement of the acquired, transferred, or ex-
20 changed water through the Delta consistent
21 with existing water rights; and

22 (iii) such voluntary sale, transfer, or ex-
23 change of water results in flow that is in addi-
24 tion to flow that otherwise would occur in the

1 absence of the voluntary sale, transfer, or ex-
2 change;
3 (5) issue all necessary permit decisions under
4 the authority of the Secretary of the Interior and
5 Secretary of Commerce within the shortest prac-
6 ticable time period after receiving a completed appli-
7 cation by the State to place and use temporary bar-
8 riers or operable gates in Delta channels to improve
9 water quantity and quality for State Water Project
10 and Central Valley Project south-of-Delta water con-
11 tractors and other water users, which barriers or
12 gates shall provide benefits for species protection
13 and in-Delta water user water quality;
14 (6) require the Director of the United States
15 Fish and Wildlife Service and the Commissioner of
16 Reclamation to complete all requirements under the
17 National Environmental Policy Act of 1969 (42
18 U.S.C. 4321 et seq.) and the Endangered Species
19 Act of 1973 (16 U.S.C. 1531 et seq.) necessary to
20 make final permit decisions on water transfer re-
21 quests associated with voluntarily fallowing non-
22 permanent crops in the State, within the shortest
23 practicable time period after receiving such a re-
24 quest;

1 (7) in coordination with the Secretary of Agri-
2 culture, enter into an agreement with the National
3 Academy of Sciences to conduct a comprehensive
4 study, to be completed not later than 1 year after
5 the date of enactment of this Act, on the effective-
6 ness and environmental impacts of saltcedar biologi-
7 cal control efforts on increasing water supplies and
8 improving riparian habitats of the Colorado River
9 and its principal tributaries, in the State and else-
10 where; and
11 (8) use all available scientific tools to identify
12 any changes to real-time operations of Bureau of
13 Reclamation, State, and local water projects that
14 could result in the availability of additional water
15 supplies.
16 (d) OTHER AGENCIES.—To the extent that a Federal
17 agency other than the Department of the Interior and the
18 Department of Commerce has a role in approving projects
19 described in subsections (a) and (c), this section shall
20 apply to the Federal agency.
21 (e) 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 or oper-
2 ation to provide additional water supplies or address
3 emergency drought conditions pursuant to sub-
4 sections (a) and (c).

5 (2) REQUEST FOR RESOLUTION.—

6 (A) IN GENERAL.—Upon the request of
7 the State, the head of a Federal agency re-
8 ferred to in subsection (a), or the head of an-
9 other Federal agency responsible for carrying
10 out a review of a project, as applicable, the Sec-
11 retary of the Interior shall convene a final
12 project decision meeting with the heads of all
13 relevant Federal agencies to decide whether to
14 approve a project to provide emergency water
15 supplies.

16 (B) MEETING.—The Secretary of the Inte-
17 rior shall convene a meeting requested under
18 subparagraph (A) not later than 7 days after
19 receiving the meeting request.

20 (3) NOTIFICATION.—Upon receipt of a request
21 for a meeting under this subsection, the Secretary of
22 the Interior shall notify the heads of all relevant
23 Federal agencies of the request, including a descrip-
24 tion of the project to be reviewed and the date for
25 the meeting.

1 (4) DECISION.—Not later than 10 days after
2 the date on which a meeting is requested under
3 paragraph (2), the head of the relevant Federal
4 agency shall issue a final decision on the project.
5 (5) MEETING CONVENED BY SECRETARY.—The
6 Secretary of the Interior may convene a final project
7 decision meeting under this subsection at any time,
8 at the discretion of the Secretary, regardless of
9 whether a meeting is requested under paragraph (2).

10 **SEC. 102. EMERGENCY ENVIRONMENTAL REVIEWS.**

11 To minimize the time spent carrying out environ-
12 mental reviews and quickly to deliver water that is needed
13 to address emergency drought conditions in the State, the
14 head of each applicable Federal agency shall, in carrying
15 out this Act, consult with the Council on Environmental
16 Quality in accordance with section 1506.11 of title 40,
17 Code of Federal Regulations (or successor regulations), to
18 develop alternative arrangements to comply with the Na-
19 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
20 et seq.) during the emergency.

21 **SEC. 103. STATE REVOLVING FUNDS.**

22 (a) IN GENERAL.—The Administrator of the Envi-
23 ronmental Protection Agency, in allocating amounts for
24 each of the fiscal years during which the emergency
25 drought declaration of the State is in force to State water

1 pollution control revolving funds established under title VI
2 of the Federal Water Pollution Control Act (33 U.S.C.
3 1381 et seq.) and the State drinking water treatment re-
4 volving loan funds established under section 1452 of the
5 Safe Drinking Water Act (42 U.S.C. 300j–12), shall, for
6 those projects that are eligible to receive assistance under
7 section 603 of the Federal Water Pollution Control Act
8 (33 U.S.C. 1383) or section 1452(a)(2) of the Safe Drink-
9 ing Water Act (42 U.S.C. 300j–12(a)(2)), respectively,
10 that the State determines will provide additional water
11 supplies most expeditiously to areas that are at risk of
12 having an inadequate supply of water for public health and
13 safety purposes or to improve resiliency to drought—
14 (1) require the State to review and prioritize
15 funding;
16 (2) make a finding on any request for a waiver
17 received from the State within 30 days of the con-
18 clusion of the informal public comment period pursu-
19 ant to section 436(c) of division G of Public Law
20 113–76 (128 Stat. 347); and
21 (3) authorize, at the request of the State, 40-
22 year financing for assistance under section
23 603(d)(2) of the Federal Water Pollution Control
24 Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of

1 the Safe Drinking Water Act (42 U.S.C. 300j–
2 12(f)(2)).
3 (b) EFFECT OF SECTION.—Nothing in this section
4 authorizes the Administrator of the Environmental Pro-
5 tection Agency to modify any funding allocation, funding
6 criteria, or other requirement relating to State water pol-
7 lution control revolving funds established under title VI
8 of the Federal Water Pollution Control Act (33 U.S.C.
9 1381 et seq.) or the State drinking water treatment re-
10 volving loan funds established under section 1452 of the
11 Safe Drinking Water Act (42 U.S.C. 300j–12) for any
12 other State.

13 Subtitle B—Protection of Third-
14 Party Water Rights

15 **SEC. 111. OFFSET FOR STATE WATER PROJECT.**

16 (a) IMPLEMENTATION IMPACTS.—The Secretary of
17 the Interior shall confer with the California Department
18 of Fish and Wildlife in connection with the implementa-
19 tion of this title on potential impacts to any consistency
20 determination for operations of the State Water Project
21 issued pursuant to section 2080.1 of the California Fish
22 and Game Code (as in effect on the date of enactment
23 of this Act).
24 (b) ADDITIONAL YIELD.—If, as a result of the appli-
25 cation of this title, the California Department of Fish and

1 Wildlife requires take authorization under section 2081 of
2 the California Fish and Game Code (as in effect on the
3 date of enactment of this Act) for operation of the State
4 Water Project in a manner that directly or indirectly re-
5 sults in reduced water supply to the State Water Project,
6 as compared with the water supply available under the
7 smelt biological opinion and the salmonid biological opin-
8 ion, and as a consequence of the action of the Department,
9 Central Valley Project yield is greater than the yield would
10 have been absent those actions, that additional yield shall
11 be made available to the State Water Project for delivery
12 to State Water Project contractors to offset losses result-
13 ing from the action of the Department.

14 (c) NOTIFICATION RELATING TO ENVIRONMENTAL
15 PROTECTIONS.—The Secretary of the Interior and Sec-
16 retary of Commerce shall—

17 (1) notify the Director of the California Depart-
18 ment of Fish and Wildlife regarding any changes in
19 the manner in which the smelt biological opinion or
20 the salmonid biological opinion is implemented; and

21 (2) confirm that those changes are authorized
22 under the smelt biological opinion or the salmonid
23 biological opinion.

1 **SEC. 112. AREA OF ORIGIN AND WATER RIGHTS PROTEC-**
2 **TIONS.**

3 (a) IN GENERAL.—Nothing in this title—

4 (1) diminishes, impairs, or otherwise affects in
5 any manner any area of origin, watershed of origin,
6 county of origin, or any other water rights protec-
7 tion, including rights to water appropriated prior to
8 December 19, 1914, provided under State law;

9 (2) limits or otherwise affects the application of
10 section 10505, 10505.5, 11128, 11460, 11463, or
11 12200 through 12220 of the California Water Code
12 or any other provision of State water rights law,
13 without respect to whether such a provision is spe-
14 cifically referred to in this Act; or

15 (3) diminishes, impairs, or otherwise affects in
16 any manner any water rights priorities under appli-
17 cable law.

18 (b) EFFECT OF SECTION.—Nothing in this section
19 affects or modifies any obligation of the Secretary of the
20 Interior under section 8 of the Act of June 17, 1902 (32
21 Stat. 390, chapter 1093).

22 **SEC. 113. NO REDIRECTED ADVERSE IMPACTS.**

23 (a) IN GENERAL.—The Secretary of the Interior and
24 Secretary of Commerce shall not carry out any specific
25 action authorized under this title that will directly result
26 in the involuntary reduction of water supply to an indi-

1 vidual or district that has in effect a contract for water
2 with the State Water Project or the Central Valley
3 Project, or to any other water user or purveyor organized
4 under State law that obtains water based on any other
5 legal right, as compared to the water supply that would
6 be provided in the absence of action under this Act.

7 (b) ACTION ON DETERMINATION.—

8 (1) IN GENERAL.—If, after exploring all op-
9 tions, the Secretary of the Interior or the Secretary
10 of Commerce makes a final determination that a
11 proposed action under this title cannot be carried
12 out in accordance with subsection (a), that Secretary
13 shall—

14 (A) document that determination in writ-
15 ing for that action, including a statement of the
16 facts relied on, and an explanation of the basis,
17 for the decision; and

18 (B) comply with any other applicable law
19 that requires or authorizes action under the cir-
20 cumstances, including the Endangered Species
21 Act (16 U.S.C. 1531 et seq.), the Federal
22 Water Pollution Control Act (33 U.S.C. 1381 et
23 seq.), and the Porter-Cologne Water Quality
24 Control Act (California Water Code 13000 et
25 seq.).

1 (2) SUBSTITUTE ACTIONS.—If the Secretary
2 takes a substitute action as so required or author-
3 ized under paragraph (1)(B), the substitute action
4 shall—
5 (A) be limited to replacement of the spe-
6 cific action identified in paragraph (1);
7 (B) not be subject to the requirements of
8 this title; and
9 (C) comply with other existing laws (in-
10 cluding regulations), as applicable, including—
11 (i) the Endangered Species Act of
12 1973 (16 U.S.C. 1531 et seq.); and
13 (ii) the salmonid biological opinion
14 and the smelt biological opinion.

15 **Subtitle C—General Provisions**

16 **SEC. 121. EFFECT ON EXISTING OBLIGATIONS.**

17 Nothing in this Act—
18 (1) authorizes the Secretary of the Interior, the
19 Secretary of Commerce, or any other Federal official
20 to take any action that—
21 (A) is likely to jeopardize the continued ex-
22 istence of any endangered species or threatened
23 species or result in the destruction or adverse
24 modification of habitat of such a species that is
25 determined by 1 of the Secretaries, after appro-

1 priate consultation with affected States, to be
2 critical; or
3 (B) would cause any additional adverse ef-
4 fect on a species listed as threatened or endan-
5 gered under the Endangered Species Act of
6 1973 (16 U.S.C. 1531 et seq.) beyond those ef-
7 fects anticipated to occur through implementa-
8 tion of the smelt biological opinion and
9 salmonid biological opinion;
10 (2) preempts or modifies any obligation of the
11 United States under the reclamation laws to operate
12 the Central Valley Project in conformance with State
13 law; or
14 (3) affects or modifies any obligation under the
15 Central Valley Project Improvement Act (Public
16 Law 102–575; 106 Stat. 4706).
17 **SEC. 122. LEVEL OF DETAIL REQUIRED FOR ANALYSIS.**
18 In articulating the determinations and demonstra-
19 tions required under this title, the Secretary of the Inte-
20 rior and Secretary of Commerce —
21 (1) shall fully satisfy the requirements of this
22 title; but
23 (2) shall not be expected to provide a greater
24 level of supporting detail for any analysis than is
25 feasible to provide within the timeframe permitted

1 for timely decisionmaking in response to changing
2 conditions in the Delta.

3 **SEC. 123. PROGRESS REPORT.**

4 Not later than 90 days after the date of enactment
5 of this Act, and not less frequently than once every 90
6 days thereafter, the Secretary of the Interior and Sec-
7 retary of Commerce shall submit to the Committee on En-
8 ergy and Natural Resources and the Committee on Envi-
9 ronment and Public Works of the Senate and the Com-
10 mittee on Natural Resources of the House of Representa-
11 tives a progress report describing the implementation of
12 sections 101 and 102.

13 **SEC. 124. TERMINATION.**

14 This title shall expire on the later of—
15 (1) the date on which the Governor of the State
16 declares an end to the State drought emergency; and
17 (2) September 30, 2017.

18 TITLE II—ACTIONS TO BENEFIT 19 FISH AND REFUGES

20 **SEC. 201. ACTIONS TO BENEFIT THREATENED AND ENDAN-**
21 **GERED FISH POPULATIONS.**

22 (a) IMPLEMENTATION OF NATIONAL OCEANIC AND
23 ATMOSPHERIC ADMINISTRATION'S SALMON RESTORATION
24 PLAN.—

1 (1) AUTHORIZATION.—There is authorized to
2 be appropriated $4,000,000 for each fiscal year
3 through 2020 to carry out the National Oceanic and
4 Atmospheric Administration's Recovery Plan for
5 Sacramento River winter-run Chinook salmon, Cen-
6 tral Valley spring-run Chinook salmon, and Central
7 Valley steelhead.
8 (2) REQUIREMENT.—The Secretary of the Inte-
9 rior shall take such steps as are necessary to partner
10 with, and coordinate the efforts of, the Department
11 of the Interior, the Department of Commerce, and
12 other relevant Federal agencies to ensure that all
13 Federal reviews, analyses, opinions, statements, per-
14 mits, licenses, or other approvals or decisions re-
15 quired under Federal law to allow the construction
16 and operation of salmon recovery projects that are
17 part of the Sacramento Salmon Recovery Program
18 are completed on an expeditious basis, consistent
19 with Federal law.
20 (b) NONSTRUCTURAL BARRIERS AT DELTA CROSS-
21 CHANNEL GATES AND OTHER KEY DELTA JUNCTIONS.—
22 (1) IN GENERAL.—To increase protections of
23 fish listed under the smelt biological opinion and the
24 salmonid biological opinion, the Secretary of the In-

1 terior, in consultation with the Secretary of Com-
2 merce, shall submit to Congress—
3 (A) by not later than 90 days after the
4 date of enactment of this Act, a report describ-
5 ing the current progress of evaluating non-
6 structural barriers at Deadhorse Island and
7 other locations to prevent straying of threat-
8 ened or endangered salmonids through the
9 Delta cross-channel gates and other key Delta
10 junctions; and
11 (B) by not later than 1 year after the date
12 of enactment of this Act, a report describing
13 the effectiveness of the nonstructural barriers
14 described in subparagraph (A) in preventing
15 straying of endangered salmonids.
16 (2) COORDINATION.—In carrying out para-
17 graph (1), the Secretary of the Interior shall coordi-
18 nate with the California Water Resources Control
19 Board and the California Departments of Fish and
20 Wildlife and Water Resources.
21 (3) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 this subsection $2,000,000 for the period of fiscal
24 years 2016 through 2020.

1 (c) GRAVEL AND REARING AREA ADDITIONS TO
2 UPPER SACRAMENTO RIVER.—
3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act, the Sec-
5 retary of the Interior, in consultation with the Sec-
6 retary of Commerce, shall submit to Congress—
7 (A) a report on the cost and effectiveness
8 of additional gravel that was placed downstream
9 of the Keswick Dam in 2013 and 2014 in im-
10 proving salmon spawning rates;
11 (B) a report on the feasibility of imple-
12 menting gravel additions at additional locations
13 to improve salmon and steelhead spawning
14 rates, including the timetable for implementing
15 any approved locations; and
16 (C) a report on the feasibility of con-
17 structing or restoring additional natural rearing
18 areas in the upper mainstem Sacramento River
19 to improve salmon and steelhead population re-
20 covery.
21 (2) COMMENCEMENT.—If the Secretary of the
22 Interior determines, in the feasibility reports de-
23 scribed in paragraph (1), that additions of gravel
24 and natural rearing areas are feasible and beneficial
25 for protecting and recovering fish populations, the

1 Secretary shall commence implementation of those
2 additions by not later than 1 year after the date of
3 submission of the feasibility reports.

4 (3) COORDINATION.—In carrying out para-
5 graphs (1) and (2), the Secretary shall coordinate
6 with the California Department of Fish and Wildlife
7 and the Secretary of Commerce.

8 (4) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to carry out
10 this subsection $4,000,000 for the period of fiscal
11 years 2016 through 2020.

12 (d) ALTERNATIVE HATCHERY SALMON RELEASE
13 STRATEGIES.—

14 (1) IN GENERAL.—The Secretary of the Inte-
15 rior, in consultation with the Secretary of Com-
16 merce, shall—

17 (A) establish pilot programs to test alter-
18 native release strategies for hatchery-raised,
19 winter-run salmon to reduce mortality rates be-
20 yond those in effect on the date of enactment
21 of this Act, including alternative release loca-
22 tions, trucking options, or barging options; and

23 (B) not later than 3 years after the date
24 of enactment of this Act, and annually there-
25 after, submit to Congress reports regarding the

1 progress and results of the pilot programs
2 under subparagraph (A), including rec-
3 ommendations on whether those pilot programs
4 should be continued.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to carry out
7 this subsection $7,000,000 for the period of fiscal
8 years 2016 through 2020.

9 (e) REDUCING PREDATOR HABITAT.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the date of enactment of this Act, the Secretary of
12 the Interior and Secretary of Commerce shall imple-
13 ment a pilot program—

14 (A) to identify natural and artificial fac-
15 tors in the Sacramento River and the Sac-
16 ramento-San Joaquin River Delta watershed
17 that could be providing favorable predatory fish
18 habitat for fish that prey on juvenile salmon;

19 (B) to collect scientific data at those loca-
20 tions to determine whether those natural or ar-
21 tificial factors are contributing to predation of
22 endangered fish; and

23 (C) to provide recommendations on wheth-
24 er those natural or artificial factors that enable
25 the formation or continuation of predatory fish

1 habitat could be feasibly and effectively modi-
2 fied, in compliance with all applicable State and
3 Federal laws (including regulations), to reduce
4 predation.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to carry out
7 this subsection $6,000,000 for the period of fiscal
8 years 2016 through 2020.

9 (f) ELIMINATING OR REDUCING LIGHTING AT IN-
10 RIVER STRUCTURES.—

11 (1) IN GENERAL.—The Secretary of the Inte-
12 rior and Secretary of Commerce shall—

13 (A) assess the effectiveness of lowering
14 light intensity at artificial structures in the Sac-
15 ramento-San Joaquin River Delta to reduce
16 predation of endangered fish; and

17 (B) implement actions to lower light inten-
18 sity at other artificial structures in the Delta if
19 the assessment under subparagraph (A) results
20 in a determination that the action is effective in
21 reducing predation.

22 (2) COORDINATION.—In carrying out para-
23 graph (1), the Secretary of the Interior and Sec-
24 retary of Commerce shall coordinate with the Cali-

1 fornia Department of Fish and Wildlife and other
2 relevant local and State authorities.
3 (3) AUTHORIZATION OF APPROPRIATIONS.—
4 There is authorized to be appropriated to carry out
5 this subsection $3,000,000 for the period of fiscal
6 years 2016 through 2020.
7 (g) EVALUATING AND IMPROVING DELTA PUMP FISH
8 SALVAGE SYSTEM.—
9 (1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary of
11 the Interior and Secretary of Commerce shall evalu-
12 ate and submit to Congress a report that describes
13 alternatives—
14 (A) to redeposit salvaged salmon smolts
15 and other fish from the Delta that would reduce
16 predation losses; and
17 (B) to reduce predation at the existing fish
18 salvage system.
19 (2) COORDINATION.—In carrying out actions
20 under paragraph (1), the Secretary of the Interior
21 and Secretary of Commerce shall coordinate with the
22 California Department of Fish and Wildlife.
23 (3) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to carry out

1 this subsection $10,000,000 for the period of fiscal
2 years 2016 through 2020.
3 (h) TRAP AND BARGE PILOT PROJECT TO INCREASE
4 FISH SURVIVAL THROUGH DELTA.—
5 (1) PILOT PROGRAM.—
6 (A) IN GENERAL.—The Assistant Adminis-
7 trator for Fisheries of the National Marine
8 Fisheries Service and the Commissioner of Rec-
9 lamation, in collaboration with the United
10 States Fish and Wildlife Service, the California
11 Department of Fish and Wildlife, applicable
12 water agencies, and other interested parties,
13 shall design, permit, implement, and evaluate a
14 pilot program to test the efficacy of an experi-
15 mental trap and barge program to improve sur-
16 vival of juvenile salmonids emigrating from the
17 San Joaquin watershed through the Delta.
18 (B) PLAN.—
19 (i) WORKING GROUP.—Not later than
20 30 days after the date of enactment of this
21 Act, the Assistant Administrator and the
22 Commissioner shall convene a working
23 group, to be comprised of representatives
24 of relevant agencies and other interested
25 parties, to develop and execute a plan for

1 the design, budgeting, implementation, and
2 evaluation of the pilot program under this
3 paragraph using such existing expertise on
4 trap and barge programs as may be avail-
5 able.
6 (ii) REQUIREMENTS.—The plan under
7 this subparagraph shall—
8 (I) include a schedule and budget
9 for the pilot program; and
10 (II) identify the responsible par-
11 ties for each element of the program.
12 (C) IMPLEMENTATION.—The Assistant Ad-
13 ministrator and the Commissioner shall seek to
14 commence implementation of the pilot program
15 under this paragraph during calendar year
16 2016, if practicable.
17 (D) REPORTS.—Not less frequently than
18 once each calendar year, the Assistant Adminis-
19 trator and the Commissioner shall jointly sub-
20 mit to the Committees on Environment and
21 Public Works and Energy and Natural Re-
22 sources of the Senate and the Committee on
23 Natural Resources of the House of Representa-
24 tives a report that describes—

1 (i) progress made in implementing
2 this subsection;
3 (ii) estimated survival rates through
4 the Delta for both juvenile salmonids that
5 were barged through the Delta and those
6 that were not barged; and
7 (iii) if the survival rates described in
8 clause (ii) are significantly higher for
9 barged fish, as compared to other
10 outmigrating smolts, recommendations re-
11 garding broadening the pilot program.
12 (2) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to carry out
14 this subsection $3,000,000 for the period of fiscal
15 years 2016 through 2020.
16 (i) IMPROVED TEMPERATURE MODELING AND RE-
17 LATED FORECASTED INFORMATION.—There is authorized
18 to be appropriated $4,000,000 for the Commissioner to
19 improve temperature modeling and related forecasted in-
20 formation for purposes of predicting impacts to salmon
21 and salmon habitat as a result of water management.

1 **SEC. 202. PILOT PROGRAM TO PROTECT NATIVE**
2 **ANADRAMOUS FISH IN STANISLAUS RIVER,**
3 **DELTA, AND OTHER DELTA TRIBUTARIES.**

4 (a) NONNATIVE PREDATOR FISH REMOVAL PRO-
5 GRAM ON STANISLAUS RIVER.—

6 (1) IN GENERAL.—The Assistant Administrator
7 for Fisheries of the National Marine Fisheries Serv-
8 ice (referred to in this section as the "Assistant Ad-
9 ministrator") and the Oakdale Irrigation District
10 and South San Joaquin Irrigation District (referred
11 to in this section as the "participating districts"), in
12 consultation with the United States Fish and Wild-
13 life Service, the California Department of Fish and
14 Wildlife, and other interested parties, shall jointly
15 develop and implement a scientifically based pilot
16 program to remove nonnative predator fish from the
17 Stanislaus River not later than 180 days after the
18 date of enactment of this Act.

19 (2) REQUIREMENTS.—In implementing the pro-
20 gram, the following requirements shall apply:

21 (A) STAFFING.—By agreement between
22 the Assistant Administrator and the partici-
23 pating districts, the pilot program may be con-
24 ducted by any combination of participating dis-
25 trict personnel, qualified private contractors,
26 and personnel of, on loan to, or otherwise as-

1 signed to the National Marine Fisheries Serv-
2 ice.
3 (B) PARTICIPATION BY NATIONAL MARINE
4 FISHERIES SERVICE.—
5 (i) IN GENERAL.—In the event the
6 participating districts elect to conduct the
7 program using the personnel or qualified
8 private contractors of the participating dis-
9 tricts, the Assistant Administrator may as-
10 sign an employee of, on loan to, or other-
11 wise assigned to the National Marine Fish-
12 eries Service to be present for all activities
13 performed in the field.
14 (ii) COST.—The participating districts
15 shall pay 100 percent of the cost of partici-
16 pation under clause (i), in accordance with
17 paragraph (3).
18 (C) TIMING OF AGREEMENT.—The partici-
19 pating districts and the Assistant Administrator
20 shall reach agreement on the work plan for the
21 subsequent calendar year on or before October
22 15 of each calendar year of the pilot program.
23 (3) FUNDING.—
24 (A) CONTRIBUTED FUNDS.—The Assistant
25 Administrator is authorized to receive and ex-

1 pend contributed funds for the purposes for
2 which the funds are contributed in a like man-
3 ner as if said sums had been specifically appro-
4 priated for said purposes.

5 (B) ANNUAL FUNDING.—

6 (i) IN GENERAL.—The participating
7 districts shall be responsible through con-
8 tributed funds for 100 percent of the cost
9 of the pilot program.

10 (ii) ESTIMATES.—Not later than De-
11 cember 1 of each year of the pilot pro-
12 gram, the Assistant Administrator shall
13 submit to the participating districts an es-
14 timate of the cost to be incurred by the
15 National Marine Fisheries Service during
16 the following calendar year, if any.

17 (C) ACCOUNTING.—

18 (i) IN GENERAL.—On or before Sep-
19 tember 1 of each calendar year, the Assist-
20 ant Administrator shall provide an ac-
21 counting of the expenses of the prior cal-
22 endar year to the participating districts.

23 (ii) UNDERESTIMATE.—If the esti-
24 mate paid by the participating districts

1 was less than the actual costs incurred by
2 the National Marine Fisheries Service—
3 (I) the participating districts
4 shall have until September 30 of that
5 calendar year to pay the difference
6 pursuant to subparagraph (A); or
7 (II) the National Marine Fish-
8 eries Service shall have no obligation
9 to conduct any activities otherwise
10 scheduled to be carried out under the
11 pilot program under this subsection.
12 (iii) OVERESTIMATE.—If the estimate
13 paid by the participating districts was
14 greater than the actual costs incurred by
15 the National Marine Fisheries Service, a
16 credit shall be provided to the participating
17 districts, which shall be deducted from the
18 estimate payment the participating dis-
19 tricts shall make for the work performed
20 by the National Marine Fisheries Service,
21 if any, during the following calendar year.
22 (4) REPORTING AND EVALUATION.—
23 (A) IN GENERAL.—Not later than the 15th
24 day of each month, the Assistant Administrator
25 shall post on the website of the National Marine

1 Fisheries Service a tabular summary of the raw
2 data collected during the prior month.
3 (B) REPORT.—Not later than June 30 of
4 the calendar year following the completion of
5 the pilot program, the Assistant Administrator
6 and the participating districts shall jointly sub-
7 mit for peer review a report that—
8 (i) describes any data, analyses, and
9 findings relating to the pilot program; and
10 (ii) makes recommendations for fur-
11 ther study and action.
12 (5) PERMITS PROCESS.—
13 (A) IN GENERAL.—Not later than 180
14 days after the date on which an application to
15 authorize the pilot program is filed, the Sec-
16 retary of the Interior and Secretary of Com-
17 merce shall make a final determination on any
18 permits required under section 10(a)(1) of the
19 Endangered Species Act of 1973 (16 U.S.C.
20 1539(a)(1)) for the performance of the pilot
21 program.
22 (B) STATE LAW.—The Secretary of the In-
23 terior, the Secretary of Commerce, and the par-
24 ticipating districts shall comply with applicable

1 requirements of State law with respect to the
2 program under this subsection.
3 (6) SUNSET.—The authorities provided by this
4 subsection shall expire on the date that is 7 years
5 after the date on which the final applicable permit
6 is issued under paragraph (5).
7 (b) PILOT PROJECTS TO IMPLEMENT CALFED
8 INVASIVE SPECIES PROGRAM.—
9 (1) IN GENERAL.—Not later than January 1,
10 2017, the Secretary of the Interior, in collaboration
11 with the Secretary of Commerce, the Director of the
12 California Department of Fish and Wildlife, and
13 other relevant agencies and interested parties, shall
14 begin pilot projects to implement the invasive species
15 control program authorized pursuant to section
16 103(d)(6)(A)(iv) of Public Law 108–361 (118 Stat.
17 1690).
18 (2) REQUIREMENTS.—The pilot projects shall—
19 (A) seek to reduce invasive aquatic vegeta-
20 tion, predators, and other competitors which
21 contribute to the decline of native listed pelagic
22 and anadromous species that occupy the Sac-
23 ramento and San Joaquin Rivers and their trib-
24 utaries and the Sacramento-San Joaquin Bay-
25 Delta; and

1 (B) remove, reduce, or control the effects
2 of species, including Asiatic clams, silversides,
3 gobies, Brazilian water weed, largemouth bass,
4 smallmouth bass, striped bass, crappie, bluegill,
5 white and channel catfish, and brown bullheads.
6 (3) SUNSET.—The authorities provided under
7 this subsection shall expire on the date that is 7
8 years after the date on which the Secretary of the
9 Interior and Secretary of Commerce commence im-
10 plementation of the pilot projects pursuant to para-
11 graph (1).
12 (c) EMERGENCY ENVIRONMENTAL REVIEWS.—To
13 expedite the environmentally beneficial programs for the
14 conservation of threatened and endangered species, the
15 Secretary of the Interior and Secretary of Commerce shall
16 consult with the Council on Environmental Quality in ac-
17 cordance with section 1506.11 of title 40, Code of Federal
18 Regulations (or successor regulations), to develop alter-
19 native arrangements to comply with the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for
21 the programs.

1 **SEC. 203. IMPROVED SCIENCE TO BETTER PROTECT**
2 **THREATENED AND ENDANGERED FISH.**

3 (a) DELTA SMELT DISTRIBUTION STUDY.—Not later
4 than January 1, 2016, contingent on funding, the Sec-
5 retary of the Interior shall—

6 (1) initiate studies designed to understand the
7 location and distribution of Delta smelt throughout
8 the range of the Delta smelt and to determine poten-
9 tial methods to minimize the effects of Central Val-
10 ley Project and State Water Project operations on
11 the Delta smelt; and

12 (2) utilize, to the maximum extent practicable,
13 new technologies to allow for better tracking of
14 Delta smelt, such as acoustic tagging, optical rec-
15 ognition during trawls, and fish detection using re-
16 sidual DNA.

17 (3) CONSULTATION.—In determining the scope
18 of the studies under this subsection, the Secretary
19 may consult with—

20 (A) Federal and State water users; and

21 (B) appropriate nongovernmental organiza-
22 tions.

23 (4) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to carry out
25 this subsection $7,500,000 for the period of fiscal
26 years 2016 through 2020.

1 (b) REAL-TIME MONITORING.—Contingent on fund-
2 ing, during the period beginning on December 1, 2015,
3 and ending March 31, 2016, and during each following
4 December-through-March period for which this Act is in
5 effect, if suspended sediment loads enter the Delta from
6 the Sacramento River and the suspended sediment loads
7 appear likely to raise turbidity levels in Old River north
8 of the export pumps from values below 12 Nephelometric
9 Turbidity Units (NTUs) to values above 12 NTUs, the
10 Secretary shall—
11 (1) conduct daily monitoring using appropriate
12 survey methods at locations including the vicinity of
13 Station 902 to determine the extent that adult Delta
14 smelt are moving with turbidity toward the export
15 pumps; and
16 (2) use results from the monitoring surveys at
17 locations including the vicinity of Station 902 to de-
18 termine how increased trawling can inform daily
19 real-time Central Valley Project and State Water
20 Project operations to achieve fish protection and
21 water supply benefits.
22 **SEC. 204. ACTIONS TO BENEFIT REFUGES.**
23 (a) IN GENERAL.—In addition to funding under sec-
24 tion 3407 of the Central Valley Project Improvement Act
25 (Public Law 102–575; 106 Stat. 4726), there is author-

1 ized to be appropriated to the Secretary of the Interior
2 $2,000,000 for each of fiscal years 2016 through 2020
3 for the acceleration and completion of water infrastructure
4 and conveyance facilities necessary to achieve full water
5 deliveries to Central Valley wildlife refuges and habitat
6 areas pursuant to section 3406(d) of that Act (Public Law
7 102–575; 106 Stat. 4722).
8 (b) COST-SHARING.—
9 (1) FEDERAL SHARE.—The Federal share of
10 the cost of carrying out an activity described in this
11 section shall be not more than 50 percent.
12 (2) NON-FEDERAL SHARE.—The non-Federal
13 share of the cost of carrying out an activity de-
14 scribed in this section—
15 (A) shall be not less than 50 percent; and
16 (B) may be provided in cash or in-kind.

17 TITLE III—LONG-TERM WATER 18 SUPPLY PROJECTS

19 Subtitle A—Desalination and Water 20 Reuse

21 SEC. 301. WATER RECYCLING AND DESALINATION 22 PROJECTS.

23 (a) FINDINGS.—Congress finds that—
24 (1) Federal funding to support water recycling
25 and desalination projects in recent years has been

1 insufficient to address water supply needs in many
2 regions across the United States;
3 (2) climate change and drought resiliency re-
4 quire additional water supply projects to cope with
5 higher probabilities of longer more intense droughts;
6 (3) the historic drought in California highlights
7 the necessity of long-term projects to address a
8 changing climate;
9 (4) a recycled water project national survey
10 conducted by the National Association of Clean
11 Water Agencies, the Water Reuse Association, the
12 Association of California Water Agencies, and the
13 California Association of Sanitation Agencies in Oc-
14 tober 2013 identified 92 projects in 14 States that
15 are under consideration or development by water
16 districts capable of producing up to approximately
17 900,000 acre-feet of new water supplies if there were
18 sufficient funding or financing tools to facilitate the
19 development of those projects; and
20 (5) desalination of both seawater and brackish
21 water has the potential to provide significant new
22 water supplies to regions of the United States vul-
23 nerable to drought, as is done in Israel, Australia,
24 and many other countries around the world with
25 scarce water supplies.

1 (b) ELIGIBILITY FOR WATER RECYCLING FEDERAL
2 SUPPORT.—Upon the submission of a completed feasi-
3 bility report compliant with Bureau of Reclamation stand-
4 ards, the Secretary of the Interior shall review requests
5 for water recycling project funding assistance and, subject
6 to the availability of appropriations, award funding, on a
7 competitive basis, for projects that meet the eligibility re-
8 quirements of title IV, including among the projects re-
9 viewed water recycling projects sponsored by any of the
10 following:
11 (1) Bear Valley Community Services District.
12 (2) Beaumont Cherry Valley Water District.
13 (3) Burbank Water and Power.
14 (4) Cambria Community Services District.
15 (5) Central Contra Costa Sanitary District.
16 (6) City of American Canyon.
17 (7) City of Benicia.
18 (8) City of Brentwood.
19 (9) City of Camarillo.
20 (10) City of Carlsbad (Municipal Water Dis-
21 trict).
22 (11) City of Corona Department of Water and
23 Power.
24 (12) City of Daly City.
25 (13) City of Del Mar.

1 (14) City of Escondido.

2 (15) City of Fresno.

3 (16) City of Hayward.

4 (17) City of Los Angeles A. (Bureau of Sanita-

5 tion & Department of Water & Power).

6 (18) City of Modesto.

7 (19) City of Morro Bay.

8 (20) City of Mountain View.

9 (21) City of Oceanside.

10 (22) City of Palo Alto.

11 (23) City of Paso Robles.

12 (24) City of Pismo Beach.

13 (25) City of Pleasanton.

14 (26) City of Poway.

15 (27) City of Redwood City.

16 (28) City of Riverside.

17 (29) City of Roseville.

18 (30) City of Sacramento.

19 (31) City of San Bernardino.

20 (32) City of San Diego.

21 (33) City of San Luis Obispo.

22 (34) City of Santa Barbara.

23 (35) City of Santa Rosa.

24 (36) City of Shasta Lake.

25 (37) City of Sunnyvale.

1 (38) City of Turlock.

2 (39) City of Vacaville.

3 (40) City of Visalia.

4 (41) Clear Creek Community Services District.

5 (42) Coachella Valley Water District.

6 (43) Cucamonga Valley Water District.

7 (44) Delta Diablo Sanitation District.

8 (45) Desert Water Agency.

9 (46) Dublin San Ramon Services District.

10 (47) East Bay Municipal Utility District.

11 (48) East Valley Water District.

12 (49) Eastern Municipal Water District.

13 (50) El Dorado Irrigation District.

14 (51) Fallbrook Public Utility District.

15 (52) Goleta Water District.

16 (53) Helendale Community Services District.

17 (54) Hi-Desert Water District.

18 (55) Idyllwild Water District.

19 (56) Inland Empire Utilities Agency.

20 (57) Ironhouse Sanitary District.

21 (58) Irvine Ranch Water District.

22 (59) Las Virgenes Municipal Water District.

23 (60) Leucadia Wastewater District.

24 (61) Los Carneros Water District.

25 (62) Marin Municipal Water District.

1 (63) Monterey Regional Water Pollution Con-
2 trol Agency.
3 (64) Napa County Department of Public
4 Works.
5 (65) North Bay Water Reuse Authority.
6 (66) North Marin Water District.
7 (67) Novato Sanitary District.
8 (68) Olivenhain Municipal Water District.
9 (69) Orange County Sanitation District.
10 (70) Orange County Water District.
11 (71) Otay Water District.
12 (72) Padre Dam Municipal Water District.
13 (73) Pajaro Valley Water Management Agency.
14 (74) Paradise Irrigation District.
15 (75) Pebble Beach Community Services Dis-
16 trict.
17 (76) Rainbow Municipal Water District.
18 (77) Ramona Municipal Water District.
19 (78) Rancho California Water District.
20 (79) Rincon Del Diablo Municipal Water Dis-
21 trict.
22 (80) Sacramento Regional County Sanitation
23 District.
24 (81) San Bernardino County Special Districts.

1 (82) San Francisco Public Utilities Commis-
2 sion.
3 (83) San Jose Water Company.
4 (84) San Luis Obispo County.
5 (85) Santa Clara Valley Water District.
6 (86) Santa Clarita Valley Sanitation District.
7 (87) Santa Fe Irrigation District.
8 (88) Santa Margarita Water District.
9 (89) Sonoma County Water Agency.
10 (90) South Orange County Wastewater Author-
11 ity.
12 (91) South Tahoe Public Utility District.
13 (92) Sunnyslope County Water District.
14 (93) Town of Yountville.
15 (94) Tuolumne Utilities District.
16 (95) Upper San Gabriel Valley Municipal Water
17 District.
18 (96) Valley Center Municipal Water District.
19 (97) Valley Sanitary District.
20 (98) Ventura County Waterworks District No.
21 8.
22 (99) Victor Valley Wastewater Reclamation Au-
23 thority.
24 (100) West Basin Municipal Water District.
25 (101) West Bay Sanitary District.

1 (102) West County Wastewater District (Rich-
2 mond, California).
3 (103) Western Municipal Water District of Riv-
4 erside County.
5 (104) Western Riverside County Regional
6 Wastewater Authority.
7 (105) Yucaipa Valley Water District.
8 (c) ELIGIBILITY FOR DESALINATION PROJECT FED-
9 ERAL SUPPORT.—Upon the submission of a completed
10 feasibility report compliant with Bureau of Reclamation
11 standards, the Secretary of the Interior shall review re-
12 quests for water desalination funding assistance and, sub-
13 ject to the availability of appropriations, award funding
14 on a competitive basis for projects that meet the eligibility
15 requirements of title IV, including among the projects re-
16 viewed the following desalination projects referenced in the
17 2013 California Water Plan:
18 (1) Cambria Desalination Project.
19 (2) Camp Pendleton Seawater Desalination
20 Project.
21 (3) Chino Basin Desalter 3.
22 (4) Doheny Ocean Desalination Project.
23 (5) GREAT Program Groundwater Desalina-
24 tion Facility Expansion.

1 (6) Huntington Beach Seawater Desalination
2 Project.
3 (7) Irvine Non-Potable Shallow Groundwater
4 Unit Desalter.
5 (8) Irvine Ranch Water District Wells 51, 52,
6 53, 21 & 22 Potable (Non-exempt) Desalter Plant.
7 (9) Long Beach Seawater Desalination Project.
8 (10) Marina Desalination Facility Expansion.
9 (11) Mission Valley Brackish Groundwater Re-
10 covery Project.
11 (12) Monterey Bay Regional Water Project De-
12 salination Facility (Moss Landing).
13 (13) Monterey Peninsula Water Supply Project.
14 (14) Monterey Peninsula Water Supply Project
15 (Ocean Desalination/Groundwater Replenishment).
16 (15) Moorpark Groundwater Desalter.
17 (16) North Pleasant Valley Groundwater
18 Desalter.
19 (17) Oceanside Ocean Desalination Project
20 (San Luis Rey Basin).
21 (18) Perris II Desalter.
22 (19) Ramona Desalting Facility.
23 (20) San Diego Formation/Balboa Park
24 Goundwater Desal Facility.
25 (21) San Elijo Valley Groundwater Project.

1 (22) San Pasqual Brackish Groundwater Re-
2 covery Project.
3 (23) Santa Cruz/Soquel Creek Water District
4 Desalination Plant.
5 (24) South Orange Coastal Ocean Desalination
6 Project.
7 (25) West Basin Seawater Desalination Re-
8 gional Project.
9 (26) West Simi Valley Desalter.
10 (d) ELIGIBILITY FOR WATER SUPPLY PROJECT FED-
11 ERAL SUPPORT.—Upon the submission of a completed
12 feasibility report compliant with Bureau of Reclamation
13 standards, the Secretary of the Interior shall review re-
14 quests for funding assistance and, subject to the avail-
15 ability of appropriations, award funding on a competitive
16 basis for projects that meet the eligibility requirements of
17 title IV, including in the review drought recovery and resil-
18 iency projects for—
19 (1) groundwater recharge;
20 (2) stormwater capture;
21 (3) agricultural or urban water conservation
22 and efficiency; or
23 (4) other innovative projects that can reduce re-
24 liance on surface and groundwater supplies.

1 **SEC. 302. REAUTHORIZATION OF DESALINATION ACT.**

2 (a) DEFINITIONS.—Section 2 of the Water Desalina-
3 tion Act of 1996 (42 U.S.C. 10301 note; Public Law 104–
4 298) is amended—

5 (1) by redesignating paragraphs (1), (2), (3),
6 (4), and (5) as paragraphs (2), (3), (5), (6), and
7 (4), respectively, and moving the paragraphs so as
8 to appear in numerical order; and

9 (2) by inserting before paragraph (2) (as so re-
10 designated) the following:

11 "(1) ADMINISTRATOR.—The term 'Adminis-
12 trator' means the Administrator of the Environ-
13 mental Protection Agency.".

14 (b) AUTHORIZATION OF RESEARCH AND STUDIES.—
15 Section 3 of the Water Desalination Act of 1996 (42
16 U.S.C. 10301 note; Public Law 104–298) is amended by
17 adding at the end the following:

18 "(e) PRIORITIZATION.—In carrying out this section,
19 the Secretary of the Interior shall prioritize funding for
20 research—

21 "(1) to reduce energy consumption and lower
22 the cost of seawater and brackish water desalination;

23 "(2) to reduce the environmental impacts of
24 seawater desalination and develop technology and
25 strategies to minimize those impacts;

1 "(3) to improve existing reverse osmosis and
2 membrane technology;
3 "(4) to carry out basic and applied research on
4 next generation desalination technologies, including
5 graphene membranes, forward osmosis, hybrid mem-
6 brane-thermal desalination, improved energy recov-
7 ery systems, and renewable energy-powered desalina-
8 tion systems that could significantly reduce desalina-
9 tion costs; and
10 "(5) to develop portable or modular desalina-
11 tion units capable of providing temporary emergency
12 water supplies for domestic or military deployment
13 purposes.".
14 (c) DESALINATION DEMONSTRATION AND DEVELOP-
15 MENT.—Section 4 of the Water Desalination Act of 1996
16 (42 U.S.C. 10301 note; Public Law 104–298) is amended
17 by adding at the end the following:
18 "(c) PRIORITIZATION.—In carrying out demonstra-
19 tion and development activities under this section, the Sec-
20 retary shall prioritize projects—
21 "(1) in drought-stricken States and commu-
22 nities;
23 "(2) in States that have authorized funding for
24 research and development of desalination tech-
25 nologies and projects; and

"(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a), in the first sentence—

(A) by striking "$5,000,000" and inserting "$10,000,000"; and

(B) by striking "2013" and inserting "2020"; and

(2) in subsection (b), by striking "for each of fiscal years 2012 through 2013" and inserting "for each of fiscal years 2016 through 2020".

(e) CONSULTATION.—Section 9 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) by striking the section designation and heading and all that follows through "In carrying out" in the first sentence and inserting the following:

"SEC. 9. CONSULTATION AND COORDINATION.

"(a) CONSULTATION.—In carrying out";

1 (2) in the second sentence, by striking "The au-
2 thorization" and inserting the following:
3 "(c) OTHER DESALINATION PROGRAMS.—The au-
4 thorization"; and
5 (3) by inserting after subsection (a) (as des-
6 ignated by paragraph (1)) the following:
7 "(b) COORDINATION OF FEDERAL DESALINATION
8 RESEARCH AND DEVELOPMENT.—
9 "(1) IN GENERAL.—The White House Office of
10 Science and Technology Policy shall develop a co-
11 ordinated strategic plan that—
12 "(A) establishes priorities for future Fed-
13 eral investments in desalination; and
14 "(B) coordinates the activities of Federal
15 agencies involved in desalination, including the
16 Bureau of Reclamation, the National Science
17 Foundation, the Office of Naval Research of the
18 Department of Defense, the National Labora-
19 tories of the Department of Energy, the United
20 States Geological Survey, the Environmental
21 Protection Agency, and the National Oceanic
22 and Atmospheric Administration.".
23 (f) DESALINATION PROJECT ASSISTANCE.—The
24 Water Desalination Act of 1996 (42 U.S.C. 10301 note;

1 Public Law 104–298) is amended by adding at the end
2 the following:

3 **"SEC. 10. FEASIBILITY STUDY AND DESIGN ASSISTANCE.**

4 "(a) IN GENERAL.—In order to facilitate the develop-
5 ment of water desalination projects, the Administrator
6 shall develop and implement a program to provide finan-
7 cial assistance to study the feasibility and support the de-
8 sign of desalination facilities (including associated water
9 distribution infrastructure) that provide usable water.

10 "(b) FEASIBILITY STUDIES.—

11 "(1) IN GENERAL.—The Administrator may
12 provide grant assistance to a non-Federal project
13 sponsor to evaluate and determine the feasibility of
14 a public or public-private desalination project.

15 "(2) FEDERAL SHARE.—The Federal share for
16 a feasibility study under paragraph (1) shall not ex-
17 ceed 50 percent of the cost of the study.

18 "(3) CRITERIA FOR ELIGIBILITY.—In carrying
19 out this subsection, the Administrator shall establish
20 criteria to determine projects eligible for grant fund-
21 ing based on the ability of the projects to provide re-
22 gional water supply benefits, including—

23 "(A) improving water supply reliability in
24 regions subject to frequent and severe drought;

1 "(B) enhancement of public health, safety,
2 ecosystems, and watershed sustainability;
3 "(C) preservation of groundwater through
4 reduction of withdrawals from aquifers;
5 "(D) offsetting demand for water conveyed
6 from environmentally sensitive areas outside
7 service area of the project; and
8 "(E) mitigation of saltwater intrusion to
9 aquifers.
10 "(c) PROJECT DESIGN.—
11 "(1) IN GENERAL.—The Administrator may
12 provide grant assistance to a non-Federal project
13 sponsor for the design of a public or public-private
14 desalination project.
15 "(2) FEDERAL SHARE.—The Federal share for
16 project design under paragraph (1) shall not exceed
17 25 percent of the cost of project design of the
18 project.
19 "(3) CRITERIA FOR ELIGIBILITY.—In carrying
20 out this subsection, the Administrator shall establish
21 criteria to determine projects eligible for grant fund-
22 ing, including—
23 "(A) completion of a feasibility study de-
24 scribed in subsection (b);

1 "(B) demonstration of technical feasibility
2 and cost effectiveness;
3 "(C) completion of all required State and
4 Federal environmental impact analyses;
5 "(D) receipt of all necessary local, State,
6 and Federal permits;
7 "(E) demonstration of financial capability
8 of non-Federal project sponsors;
9 "(F) quantification and net cost of water
10 produced by the project; and
11 "(G) identification of users of produced
12 water supply, including water purchase agree-
13 ments and other contractually binding mecha-
14 nisms.
15 "(d) GUIDANCE.—Not later than 180 days after the
16 date of enactment of this section, the Administrator shall
17 publish appropriate guidance to implement this section.
18 "(e) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 $10,000,000 for each of fiscal years 2016 through 2020,
21 to remain available until expended.
22 "(f) REPORT ON DESALINATION TECHNOLOGY.—Not
23 later than 90 days after the date of enactment of this sec-
24 tion, the Secretary of the Navy shall submit to Congress
25 a report on the application of desalinization technology for

1 defense and national security purposes to provide drought
2 relief to areas impacted by sharp declines in water sup-
3 ply.".

4 **Subtitle B—Storage**

5 **SEC. 311. DEFINITIONS.**

6 In this subtitle:

7 (1) FEDERAL STORAGE PROJECT.—The term
8 "Federal storage project" means any water storage
9 facility to which the United States holds title and
10 which was authorized to be constructed, operated,
11 and maintained pursuant to the reclamation laws.

12 (2) NON-FEDERAL STORAGE PROJECT.—The
13 term "non-Federal storage project" means any
14 water storage facility constructed, operated, and
15 maintained by any State, department of a State,
16 subdivision of a State, or public agency organized
17 pursuant to State law.

18 **SEC. 312. FEDERAL SUPPORT FOR INVESTMENTS IN STOR-**
19 **AGE.**

20 (a) FEDERAL STORAGE PROJECTS.—

21 (1) AGREEMENTS.—On the request of any
22 State, department, agency, or subdivision of a State,
23 or public agency organized pursuant to State law,
24 the Secretary of the Interior may negotiate and
25 enter into an agreement on behalf of the United

1 States for participation in the construction or expan-
2 sion of any Federal storage project in accordance
3 with this section.

4 (2) FEDERAL COST SHARE.—Subject to the re-
5 quirements of this subsection, the Secretary may
6 participate in a Federal storage project in an
7 amount equal to not more than 50 percent of the
8 total cost of the Federal storage project.

9 (3) COMMENCEMENT.—The construction of a
10 Federal storage project that is the subject of an
11 agreement under this subsection shall not commence
12 until the Secretary secures an agreement providing
13 such funds as are necessary to pay the capital costs
14 for any purpose that would otherwise be considered
15 to be reimbursable under the reclamation laws.

16 (4) RIGHTS TO USE CAPACITY.—Subject to
17 compliance with State water rights laws, the right to
18 use the capacity of a Federal storage project for
19 which the Secretary has entered into an agreement
20 under this subsection shall be allocated in such man-
21 ner as may be mutually agreed on by the Secretary
22 and each other party to the agreement.

23 (5) ENVIRONMENTAL LAWS.—In participating
24 in a Federal storage project under this subsection,
25 the Secretary shall comply with all applicable envi-

1 ronmental laws, including the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
3 (b) NON-FEDERAL STORAGE PROJECTS.—
4 (1) IN GENERAL.—Subject to the requirements
5 of this subsection, the Secretary of the Interior may
6 participate in a non-Federal storage project in an
7 amount equal to not more than 25 percent of the
8 total cost of the non-Federal storage project.
9 (2) REQUEST BY GOVERNOR.—Participation in
10 a non-Federal storage project under this subsection
11 shall not occur unless—
12 (A) the participation has been requested by
13 the Governor of the State in which the non-
14 Federal storage project is located; and
15 (B) the Secretary—
16 (i) makes each determination de-
17 scribed in paragraph (3); and
18 (ii) submits to Congress a written no-
19 tification of those determinations.
20 (3) DESCRIPTION OF DETERMINATIONS.—The
21 determinations referred to in paragraph (2)(B)(i) in-
22 clude a determination by the Secretary that—
23 (A) the relevant non-Federal storage
24 project is technically and financially feasible;

1 (B) sufficient non-Federal funding is avail-
2 able to complete the non-Federal storage
3 project;
4 (C) the non-Federal storage project spon-
5 sors are financially solvent;
6 (D) the environmental impacts of the non-
7 Federal storage project are acceptable; and
8 (E) the Federal benefits of the non-Fed-
9 eral storage project, including water supplies
10 dedicated to specific purposes such as environ-
11 mental enhancement or wildlife refuges, meet or
12 exceed the proposed Federal investment.
13 (4) PROJECTS IN CALIFORNIA.—Federal fund-
14 ing for construction of the Los Vaqueros Reservoir,
15 North-of-Delta Offstream Storage (Sites Reservoir),
16 and the Upper San Joaquin River non-Federal stor-
17 age projects described in clauses (i)(II), (ii)(I), and
18 (ii)(II) of section 103(d)(1)(A) of Public Law 108–
19 361 (118 Stat. 1684) is conditional on the Cali-
20 fornia Water Commission determining that—
21 (A) the project is feasible, is consistent
22 with all applicable laws and regulations, and
23 will advance the long-term objectives of restor-
24 ing ecological health and improving water man-
25 agement for beneficial uses of the Delta, pursu-

1 ant to section 79755(a)(5)(B) of the California
2 Water Quality, Supply, and Infrastructure Im-
3 provement Act of 2014 (division 26.7 of the
4 California Water Code); and
5 (B) pursuant to section 79753(a) of that
6 Act, 50 percent or more of the total public ben-
7 efits of the project provide the following:
8 (i) Ecosystem improvements, includ-
9 ing changing the timing of water diver-
10 sions, improvement in flow conditions, tem-
11 perature, or other benefits that contribute
12 to restoration of aquatic ecosystems and
13 native fish and wildlife, including those
14 ecosystems and fish and wildlife in the
15 Delta.
16 (ii) Water quality improvements in the
17 Delta, or in other river systems, that pro-
18 vide significant public trust resources, or
19 that clean up and restore groundwater re-
20 sources.
21 (iii) Flood control benefits, including
22 increases in flood reservation space in ex-
23 isting reservoirs by exchange for existing
24 or increased water storage capacity in re-
25 sponse to the effects of changing hydrology

1 and decreasing snow pack on the water
2 and flood management system of the State.
3 (iv) Emergency response, including se-
4 curing emergency water supplies and flows
5 for dilution and salinity repulsion following
6 a natural disaster or act of terrorism.
7 (v) Recreational purposes, including
8 those recreational pursuits generally asso-
9 ciated with the outdoors.
10 (5) ENVIRONMENTAL LAWS.—In participating
11 in a non-Federal storage project under this sub-
12 section, the Secretary shall comply with all applica-
13 ble environmental laws, including the National Envi-
14 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
15 seq.).
16 (6) INFORMATION.—In participating in a non-
17 Federal storage project under this subsection, the
18 Secretary—
19 (A) may rely on reports prepared by the
20 non-Federal storage project sponsor, including
21 feasibility (or equivalent) studies, environmental
22 analyses, and other pertinent reports and anal-
23 yses; but

1 (B) shall retain responsibility for making
2 the independent determinations described in
3 paragraph (3).
4 (c) AUTHORIZATION OF APPROPRIATIONS.—
5 (1) IN GENERAL.—There is authorized to be
6 appropriated to carry out this section $600,000,000
7 through fiscal year 2025.
8 (2) REPORT.—Not later than 1 year after the
9 date of enactment of this Act, the Secretary of the
10 Interior shall submit to the Committee on Energy
11 and Natural Resources of the Senate and the Com-
12 mittee on Natural Resources of the House of Rep-
13 resentatives a report that contains recommendations
14 of the Secretary, if any, regarding whether addi-
15 tional appropriations are needed to carry out the
16 purposes of this section, and the amount of such ad-
17 ditional appropriations.
18 **SEC. 313. CALFED STORAGE PROJECTS.**
19 (a) FINDINGS.—Congress finds that—
20 (1) the record drought conditions being experi-
21 enced in the State as of the date of enactment of
22 this Act are—
23 (A) expected to recur in the future; and
24 (B) likely to do so with increasing fre-
25 quency;

1 (2) water storage is an indispensable and inte-
2 gral part of any solution to address the long-term
3 water challenges of the State;
4 (3) Congress authorized relevant feasibility
5 studies for 5 water storage projects in the State, in-
6 cluding projects for—
7 (A) enlargement of Shasta Dam in Shasta
8 County under section 2(a) of Public Law 96–
9 375 (94 Stat. 1506), as reaffirmed under sec-
10 tion 103(d)(1)(A)(i)(I) of Public Law 108–361
11 (118 Stat. 1684);
12 (B) enlargement of Los Vaqueros Res-
13 ervoir in Contra Costa County under section
14 215 of Public Law 108–7 (117 Stat. 147), as
15 reaffirmed under section 103(d)(1)(A)(i)(II) of
16 Public Law 108–361 (118 Stat. 1684);
17 (C) construction of North-of-Delta
18 Offstream Storage (Sites Reservoir) in Colusa
19 County under section 215 of Public Law 108–
20 7 (117 Stat. 147), as reaffirmed under section
21 103(d)(1)(A)(ii)(I) of Public Law 108–361
22 (118 Stat. 1684);
23 (D) construction of the Upper San Joaquin
24 River storage (Temperance Flat) in Fresno and
25 Madera Counties under section 215 of Public

1 Law 108–7 (117 Stat. 147), as reaffirmed
2 under section 103(d)(1)(A)(ii)(II) of Public
3 Law 108–361 (118 Stat. 1684); and
4 (E) expansion of San Luis Reservoir under
5 section 103(f)(1)(A) of Public Law 108–361
6 (118 Stat. 1694);
7 (4) as of the date of enactment of this Act, it
8 has been more than 10 years since the authorization
9 of the feasibility studies referred to in paragraph
10 (3), but complete and final feasibility studies have
11 not been prepared for any of those water storage
12 projects;
13 (5) the slow pace of work on completion of the
14 feasibility studies for those 5 water storage projects
15 is unjustified and of deep concern; and
16 (6) there is significant public interest in, and
17 urgency with respect to, completing all feasibility
18 studies and environmental reviews for the water
19 storage projects referred to in paragraph (3), given
20 the critical need for that infrastructure to address
21 current and future water challenges of the State.
22 (b) DEADLINES FOR COMPLETING STORAGE STUD-
23 IES.—The Secretary of the Interior, through the Commis-
24 sioner of Reclamation, shall—

1 (1) complete the feasibility studies described in
2 clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of
3 Public Law 108–361 (118 Stat. 1684) and submit
4 such studies to the appropriate committees of the
5 House of Representatives and the Senate not later
6 than December 31, 2015;
7 (2) complete the feasibility study described in
8 clause (i)(II) of section 103(d)(1)(A) of Public Law
9 108–361 (118 Stat. 1684) and submit such study to
10 the appropriate committees of the House of Rep-
11 resentatives and the Senate not later than November
12 30, 2016;
13 (3) complete a publicly available draft of the
14 feasibility study described in clause (ii)(I) of section
15 103(d)(1)(A) of Public Law 108–361 (118 Stat.
16 1684) and submit such study to the appropriate
17 committees of the House of Representatives and the
18 Senate not later than November 30, 2016;
19 (4) complete the feasibility study described in
20 clause (ii)(I) of section 103(d)(1)(A) of Public Law
21 108–361 (118 Stat. 1684) and submit such study to
22 the appropriate committees of the House of Rep-
23 resentatives and the Senate not later than November
24 30, 2017;

1 (5) complete the feasibility study described in
2 section 103(f)(1)(A) of Public Law 108–361 (118
3 Stat. 1694) and submit such study to the appro-
4 priate Committees of the House of Representatives
5 and the Senate not later than December 31, 2017;
6 (6) provide a progress report on the status of
7 the feasibility studies referred to in paragraphs (1)
8 through (3) to the appropriate committees of the
9 House of Representatives and the Senate not later
10 than 90 days after the date of the enactment of this
11 Act and every 180 days thereafter until December
12 31, 2017, as applicable, which report shall include
13 timelines for study completion, draft environmental
14 impact statements, final environmental impact state-
15 ments, and records of decision; and
16 (7) communicate, coordinate, and cooperate
17 with public water agencies that contract with the
18 United States for Central Valley Project water and
19 that are expected to participate in the cost pools
20 that will be created for the projects proposed in the
21 feasibility studies under this section.
22 (c) IMPACTS.—The Secretary of the Interior, in con-
23 sultation with other appropriate agencies, shall establish
24 a process to address direct and substantial impacts caused
25 by any storage projects under this section.

1 **SEC. 314. AUTHORIZATION TO INCREASE RESERVOIR CA-**
2 **PACITY AS PART OF DAM SAFETY PROJECTS.**

3 The Reclamation Safety of Dams Act of 1978 is
4 amended by—

5 (1) in section 3 (43 U.S.C. 507), in the first
6 sentence, by striking "Construction" and inserting
7 "Except as provided in section 5B, construction";
8 and

9 (2) inserting after section 5A (43 U.S.C. 509a)
10 the following:

11 **"SEC. 5B. AUTHORIZATION TO INCREASE RESERVOIR CA-**
12 **PACITY AS PART OF DAM SAFETY PROJECTS.**

13 "(a) DETERMINATION BY SECRETARY OF THE INTE-
14 RIOR.—

15 "(1) IN GENERAL.—Subject to subsection (b),
16 notwithstanding section 3, if the Secretary makes a
17 determination described in paragraph (2), the Sec-
18 retary may develop additional project benefits
19 through the construction of new or supplementary
20 works on a project—

21 "(A) in conjunction with the activities of
22 the Secretary under section 2; and

23 "(B) subject to the conditions described in
24 the relevant feasibility study.

25 "(2) DESCRIPTION OF DETERMINATION.—A de-
26 termination referred to in paragraph (1) is a deter-

1 mination by the Secretary that an additional project
2 benefit (including additional conservation storage ca-
3 pacity) is—
4 "(A) necessary;
5 "(B) in the interests of—
6 "(i) the United States; and
7 "(ii) the project;
8 "(C) feasible; and
9 "(D) not inconsistent with the purposes of
10 this Act.
11 "(b) REQUIREMENT.—The costs associated with de-
12 veloping an additional project benefit under subsection (a)
13 shall be—
14 "(1) allocated to the authorized purposes of the
15 project that have a benefit;
16 "(2) subject to a cost-sharing agreement among
17 applicable Federal, State, and local agencies relating
18 to the additional project benefit; and
19 "(3) repaid in accordance with the reclamation
20 laws.".
21 **SEC. 315. RESERVOIR OPERATION IMPROVEMENT.**
22 (a) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Secretary of the Army shall
24 submit to the Committees on Appropriations and the Com-
25 mittee on Environment and Public Works of the Senate

1 and the Committee on Appropriations and the Committee
2 on Transportation and Infrastructure of the House of
3 Representatives a report including the following informa-
4 tion for any State under a gubernatorial drought declara-
5 tion during water year 2015:

6 (1) A list of Corps of Engineer projects and
7 non-Federal projects operated for flood control in
8 accordance with rules prescribed by the Secretary of
9 the Army pursuant to section 7 of the Act of De-
10 cember 22, 1944 (commonly known as the "Flood
11 Control Act of 1944") (58 Stat. 890, chapter 665).

12 (2) The year during which the original water
13 control manual was approved.

14 (3) The year during which any subsequent revi-
15 sions to the water control plan and manual of the
16 project are proposed to occur.

17 (4) A list of projects for which operational devi-
18 ations for drought contingency have been requested,
19 and the status of the request.

20 (5) The means by which water conservation and
21 water quality improvements were addressed.

22 (6) A list of projects for which permanent
23 changes to storage allocations have been requested,
24 and the status of the request.

1 (b) PROJECT IDENTIFICATION.—Not later than 60
2 days after the date of completion of the report under sub-
3 section (a), the Secretary of the Army shall identify any
4 projects described in the report that meet the following
5 criteria:

6 (1) The project is located in a State in which
7 a drought emergency has been declared or was in ef-
8 fect during the 1-year period preceding the date of
9 final review by the Secretary.

10 (2) The water control manual and hydrometeo-
11 rological information establishing the flood control
12 rule curves of the project have not been revised dur-
13 ing the 20-year period ending on the date of review
14 by the Secretary.

15 (3) Revision of water operations manuals, in-
16 cluding flood control rule curves, based on the use
17 of improved weather forecasting or run-off fore-
18 casting methods, new watershed data, or changes to
19 project operations, for the project is likely to en-
20 hance the existing authorized project purposes in-
21 cluding water supply storage capacity and reliability,
22 flood control operations and environmental restora-
23 tion.

24 (c) ADDITIONAL PROJECTS IDENTIFIED.—Not later
25 than 60 days after the date of completion of the report

1 under subsection (a), the Secretary of the Army shall iden-
2 tify any non-Corps of Engineers projects that meet—
3 (1) the criteria described in subsection (b); and
4 (2)(A) the owner of the non-Federal project has
5 submitted to the Secretary of the Army a formal re-
6 quest to review or revise the operations manual or
7 flood control rule curves to accommodate new water-
8 shed data or projected project modifications or oper-
9 ational changes; and
10 (B) the modifications or operational changes
11 proposed by the owner of the non-Federal project
12 are likely to enhance water supply benefits and flood
13 control operations.
14 (d) PILOT PROJECTS.—
15 (1) IN GENERAL.—Not later than 1 year after
16 the date of identification of the projects under sub-
17 sections (b) and (c), if any, the Secretary of the
18 Army shall carry out not more than 5 pilot projects,
19 including at least 2 non-Federal projects (within the
20 meaning of subsection (a)(1)) (if any are identified
21 under subsection (b) or (c)), to implement revisions
22 of water operations manuals, including flood control
23 rule curves, based on the best available science,
24 which may include—
25 (A) forecast-informed operations;

1 (B) new watershed data; and
2 (C) if applicable, spillway improvements.
3 (2) CONSULTATION.—In implementing the pilot
4 projects pursuant to this subsection, the Secretary of
5 the Army shall consult with all affected interests, in-
6 cluding non-Federal entities responsible for oper-
7 ations and maintenance costs of a Corps of Engi-
8 neers facility, affected water rights holders, individ-
9 uals and entities with storage entitlements, and local
10 agencies with flood control responsibilities down-
11 stream of a Corps of Engineers facility.
12 (e) COORDINATION WITH NON-FEDERAL PROJECT
13 ENTITIES.—If a project identified under subsection (b) or
14 (c) is—
15 (1) a non-Federal project, the Secretary of the
16 Army, prior to carrying out an activity under this
17 section, shall—
18 (A) consult with the non-Federal project
19 owner; and
20 (B) enter into a cooperative agreement,
21 memorandum of understanding, or other agree-
22 ment with the non-Federal project owner; and
23 (2) owned and operated by the Corps of Engi-
24 neers, the Secretary of the Army, prior to carrying
25 out an activity under this section, shall—

1 (A) consult with each non-Federal entity
2 (including a municipal water district, irrigation
3 district, joint powers authority, or other local
4 governmental entity) that currently—
5 (i) manages (in whole or in part) a
6 Corps of Engineers dam or reservoir; or
7 (ii) is responsible for operations and
8 maintenance costs; and
9 (B) enter into a cooperative agreement,
10 memorandum of understanding, or other agree-
11 ment with each such entity.
12 (f) CONSIDERATION.—In designing and imple-
13 menting a forecast-informed reservoir operations plan, the
14 Secretary of the Army may consider—
15 (1) the relationship between ocean and atmos-
16 pheric conditions, including the El Nino and La
17 Nina cycles, and the potential for above-normal, nor-
18 mal, and below-normal rainfall for the coming water
19 year, including consideration of atmospheric river
20 forecasts;
21 (2) the precipitation and runoff index specific
22 to the basin and watershed of the relevant dam or
23 reservoir, including incorporating knowledge of
24 hydrological and meteorological conditions that influ-
25 ence the timing and quantity of runoff;

1 (3) improved hydrologic forecasting for precipi-
2 tation, snowpack, and soil moisture conditions;
3 (4) an adjustment of operational flood control
4 rule curves to optimize water supply storage and re-
5 liability, hydropower production, environmental bene-
6 fits for flows and temperature, and other authorized
7 project benefits, without a reduction in flood safety;
8 and
9 (5) proactive management in response to
10 changes in forecasts.
11 (g) FUNDING.—On finalizing an agreement with a
12 non-Federal project sponsor or non-Federal project owner
13 pursuant to subsection (e), the Secretary of the Army may
14 accept non-Federal funds for all or a portion of the cost
15 of carrying out a review or revision of water control manu-
16 als and flood control rule curves.
17 (h) EFFECT.—
18 (1) MANUAL REVISIONS.—A revision of a man-
19 ual shall not interfere with the authorized purposes
20 of a project.
21 (2) EFFECT.—
22 (A) ACT.—Nothing in this Act authorizes
23 the Secretary of the Army to carry out, at a
24 Corps of Engineers or non-Federal dam or res-
25 ervoir, any project or activity for a purpose not

1 otherwise authorized as of the date of enact-
2 ment of this Act.
3 (B) SECTION.—Nothing in this section af-
4 fects or modifies any obligation of the Secretary
5 of the Army under State law or authorizes the
6 diversion or use of water in a manner that is
7 inconsistent with State water rights law.
8 (3) BUREAU OF RECLAMATION PROJECTS EX-
9 CLUDED.—This section shall not apply to any dam
10 or reservoir owned by the Bureau of Reclamation.
11 (i) MODIFICATIONS TO MANUALS AND CURVES.—Not
12 later than 180 days after the date of completion of a modi-
13 fication to an operations manual or flood control rule
14 curve, the Secretary of the Army shall submit to Congress
15 a report regarding the components of the forecast-based
16 reservoir operations plan incorporated into the change.
17 **SEC. 316. REPORT TO CONGRESS.**
18 Not later than 2 years after the date of enactment
19 of this Act, and every 2 years thereafter, the Secretary
20 shall submit to the Committee on Energy and Natural Re-
21 sources of the Senate and the Committee on Natural Re-
22 sources of the House of Representatives a report summa-
23 rizing the financial performance of the projects that are
24 receiving, or have received, assistance under this subtitle,

1 including an assessment of whether the objectives of this
2 subtitle are being met.

3 Subtitle C—Water Recycling, Con-
4 servation, Efficiency, and Other
5 Programs

6 SEC. 321. PROMOTING WATER EFFICIENCY WITH
7 WATERSENSE.

8 (a) IN GENERAL.—There is established within the
9 Environmental Protection Agency a program, to be known
10 as the "WaterSense Program", to identify and promote
11 water efficient products, buildings, landscapes, facilities,
12 processes, and services so as—
13 (1) to reduce water use;
14 (2) to reduce the strain on water, wastewater,
15 and stormwater infrastructure;
16 (3) to conserve energy used to pump, heat,
17 transport, and treat water; and
18 (4) to preserve water resources for future gen-
19 erations, through voluntary labeling of, or other
20 forms of communications regarding, products, build-
21 ings, landscapes, facilities, processes, and services
22 that meet the highest water efficiency and perform-
23 ance criteria.

1 (b) DUTIES.—The Administrator of the Environ-
2 mental Protection Agency (referred to in this section as
3 the "Administrator") shall—
4 (1) establish—
5 (A) a WaterSense label to be used for cer-
6 tain items; and
7 (B) the procedure by which an item may
8 be certified to display the WaterSense label;
9 (2) promote WaterSense-labeled products,
10 buildings, landscapes, facilities, processes, and serv-
11 ices in the marketplace as the preferred technologies
12 and services for—
13 (A) reducing water use; and
14 (B) ensuring product and service perform-
15 ance;
16 (3) work to enhance public awareness of the
17 WaterSense label through public outreach, edu-
18 cation, and other means;
19 (4) preserve the integrity of the WaterSense
20 label by—
21 (A) establishing and maintaining perform-
22 ance criteria so that products, buildings, land-
23 scapes, facilities, processes, and services labeled
24 with the WaterSense label perform as well or
25 better than less water-efficient counterparts;

1 (B) overseeing WaterSense certifications
2 made by third parties;
3 (C) conducting reviews of the use of the
4 WaterSense label in the marketplace and taking
5 corrective action in any case in which misuse of
6 the label is identified; and
7 (D) carrying out such other measures as
8 the Administrator determines to be appropriate;
9 (5) regularly review and, if appropriate, update
10 WaterSense criteria for categories of products, build-
11 ings, landscapes, facilities, processes, and services,
12 at least once every 6 years;
13 (6) to the maximum extent practicable, regu-
14 larly estimate and make available to the public the
15 production and relative market shares of, and the
16 savings of water, energy, and capital costs of water,
17 wastewater, and stormwater infrastructure attrib-
18 utable to the use of WaterSense-labeled products,
19 buildings, landscapes, facilities, processes, and serv-
20 ices, at least annually;
21 (7) solicit comments from interested parties and
22 the public prior to establishing or revising a
23 WaterSense category, specification, installation cri-
24 terion, or other criterion;

1 (8) provide reasonable notice to interested par-
2 ties and the public of any changes (including effec-
3 tive dates), on the adoption of a new or revised cat-
4 egory, specification, installation criterion, or other
5 criterion, along with—
6 (A) an explanation of the changes; and
7 (B) as appropriate, responses to comments
8 submitted by interested parties and the public;
9 (9) provide appropriate lead time (as deter-
10 mined by the Administrator) prior to the applicable
11 effective date for a new or significant revision to a
12 category, specification, installation criterion, or other
13 criterion, taking into account the timing require-
14 ments of the manufacturing, marketing, training,
15 and distribution process for the specific product,
16 building and landscape, or service category ad-
17 dressed;
18 (10) identify and, if appropriate, implement
19 other voluntary approaches in commercial, institu-
20 tional, residential, industrial, and municipal sectors
21 to encourage recycling and reuse technologies to im-
22 prove water efficiency or lower water use; and
23 (11) if appropriate, authorize the WaterSense
24 label for use on products that are labeled by the En-

1 ergy Star program implemented by the Adminis-
2 trator and the Secretary of Energy.
3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—
6 (1) $5,000,000 for fiscal year 2016;
7 (2) $5,000,000 for fiscal year 2017;
8 (3) $5,000,000 for fiscal year 2018;
9 (4) $5,000,000 for fiscal year 2019; and
10 (5) for each subsequent fiscal year, the applica-
11 ble amount for the preceding fiscal year, as adjusted
12 to reflect changes for the 12-month period ending
13 the preceding November 30 in the Consumer Price
14 Index for All Urban Consumers published by the
15 Bureau of Labor Statistics of the Department of
16 Labor.

17 **SEC. 322. INCREASING OPPORTUNITIES FOR AGRICUL-**
18 **TURAL CONSERVATION.**

19 (a) IN GENERAL.—The Secretary of the Interior is
20 authorized and directed to enter into voluntary agree-
21 ments with public water agencies or other entities that re-
22 ceive water from any project operated by the Bureau of
23 Reclamation to implement water conservation programs.

1 (b) USES OF CONSERVED WATER.—Of the quantity
2 of water conserved as a result of the exercise of the au-
3 thority of the Secretary under subsection (a)—
4 (1) 25 percent shall be retained by the public
5 water agency or entity with which the Secretary has
6 entered into a water conservation agreement; and
7 (2) 75 percent shall be retained by the Sec-
8 retary, of which—
9 (A) 33 percent shall be used or marketed
10 on an annual basis for purposes that will pro-
11 mote groundwater recharge and conservation;
12 and
13 (B) 67 percent shall be used on an annual
14 basis for refuge water supply or other author-
15 ized project purposes.
16 (c) EXCEPTIONS.—For good reason, the Secretary
17 and the public water agency or entity with which the Sec-
18 retary has entered into a water conservation agreement
19 may agree to modify the percentages of uses of the water
20 conserved specified in subsection (b) in a particular in-
21 stance.
22 (d) CONTRIBUTED FUNDS.—
23 (1) IN GENERAL.—Any existing water service or
24 repayment contractor within the project service area

1 may contribute funds for the implementation of the
2 water conservation agreement.
3 (2) ACTION BY SECRETARY.—If a contractor
4 provides contributed funds pursuant to paragraph
5 (1), the Secretary shall provide to that water service
6 or repayment contractor some or all of the water de-
7 scribed in subsection (b)(2)(B), but not to exceed
8 the proportion of funds contributed by the con-
9 tractor.
10 (3) ADDITIONAL WATER.—If a contractor con-
11 tributes over 50 percent of the project cost, the Sec-
12 retary may reach an agreement with the contractor
13 to provide some of the water described in subsection
14 (b)(2)(A) for the contractor to use for groundwater
15 recharge and conservation, subject to the condition
16 that the contractor may not receive a higher propor-
17 tion of the water conserved than the proportion of
18 the funds contributed by the contractor.

19 **SEC. 323. ASSISTANCE FOR DROUGHT-STRICKEN COMMU-**
20 **NITIES.**

21 (a) FINDINGS.—Congress finds that—
22 (1) across the United States, more than 90 per-
23 cent of the community water systems serve popu-
24 lations of less than 10,000 individuals;

1 (2) the number of dry wells continues to in-
2 crease as the State enters the fourth consecutive
3 summer of drought, with approximately 1,988 wells
4 statewide identified as critical or dry, which affects
5 an estimated 9,940 residents, with 1,883 of the
6 1,988 dry wells concentrated in the inland regions
7 within the Central Valley;
8 (3) many areas of the State are disproportion-
9 ately impacted by drought because the areas are
10 heavily dependent or completely reliant on ground-
11 water from basins that are in overdraft and in which
12 the water table declines year after year or from ba-
13 sins that are contaminated; and
14 (4) those communities throughout the State
15 have been impacted by the presence of naturally oc-
16 curring arsenic in the groundwater among other con-
17 taminants, as a result of higher concentration of
18 contaminants in the water.
19 (b) ADDITIONAL ASSISTANCE FOR COMMUNITIES
20 WITHOUT ACCESS TO ADEQUATE WATER.—
21 (1) IN GENERAL.—To assist disadvantaged
22 communities that have experienced a significant de-
23 cline in quantity or quality of drinking water, and to
24 obtain or maintain adequate quantities of water that
25 meet the standards set by the Federal Water Pollu-

1 tion Control Act (33 U.S.C. et seq.), there is estab-
2 lished within the Rural Water and Waste Disposal
3 Program of the Department of Agriculture a pro-
4 gram under which the Secretary of Agriculture shall
5 provide grants for communities—
6 (A) that are unable to meet the primary
7 water quality standards under that Act; or
8 (B) the local private or public water supply
9 of which has been lost or severely diminished
10 due to drought conditions.
11 (2) ELIGIBLE COMMUNITIES.—
12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), to be eligible to receive a
14 grant under this subsection, a community shall
15 carry out a project described in paragraph (3),
16 the service area of which—
17 (i) shall not be located in any city or
18 town with a population of more than
19 10,000 residents; and
20 (ii) has a median household income of
21 less than 100 percent of a the nonmetro-
22 politan median household income of the
23 State.
24 (B) EXCEPTIONS.—Notwithstanding sub-
25 paragraph (A)(i), the Secretary may provide as-

1 sistance to communities exceeding the 10,000
2 population limit established by that subpara-
3 graph in the event there is a threat to the
4 human health and safety of the community as
5 a result of decreased water supplies or water
6 quality.
7 (3) ELIGIBLE PROJECTS.—Projects eligible for
8 this program may be used for—
9 (A) point of use treatment;
10 (B) point of entry systems;
11 (C) distributed treatment facilities;
12 (D) construction of new water source fa-
13 cilities including wells and connections to exist-
14 ing systems;
15 (E) water distribution facilities;
16 (F) connection fees to existing systems;
17 (G) assistance to households to connect to
18 water facilities; and
19 (H) any combination of activities described
20 in subparagraphs (A) through (G).
21 (4) PRIORITIZATION.—In determining priorities
22 for funding projects, the Secretary of Agriculture
23 shall take into consideration—
24 (A) where water outages—
25 (i) are most imminent; and

1 (ii) pose the greatest threat to public
2 health and safety; and
3 (B) the access of the applicant to, or abil-
4 ity to qualify for, alternative funding sources.
5 (5) MAXIMUM AMOUNT.—The amount of a
6 grant provided under this section may be made up
7 to 100 percent of costs, including—
8 (A) initial operation costs incurred for
9 start-up and testing of project facilities;
10 (B) components to ensure such facilities
11 and components are properly operational; and
12 (C) costs of operation or maintenance in-
13 curred subsequent to placing the facilities or
14 components into service.
15 (6) NONPROFIT ORGANIZATIONS.—The Sec-
16 retary may use amounts made available to carry out
17 this section to provide grants to, or enter into coop-
18 erative agreements with, nonprofit organizations
19 that can provide onsite technical assistance, assist-
20 ance with implementing source water protection
21 plans, and assistance with implementing monitoring
22 and maintenance plans.
23 (c) PILOT PROJECTS.—There is authorized to be ap-
24 propriated to the Secretary to carry out this section

1 $15,000,000 for up to 15 pilot projects to implement the
2 program under this section.

3 **SEC. 324. CONSERVATION AT CALIFORNIA MILITARY IN-**
4 **STALLATIONS.**

5 (a) INITIAL ASSESSMENT.—
6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this Act, the Sec-
8 retary of Defense shall submit to the Subcommittees
9 on Military Construction, Veterans Affairs, and Re-
10 lated Agencies of the Committees on Appropriations
11 of the Senate and the House of Representatives a
12 list of water conservation activities and best prac-
13 tices that the Secretary—
14 (A) has carried out on military installa-
15 tions in the State; or
16 (B) will carry out in the State pursuant to
17 sections 2866 and 2914 of title 10, United
18 States Code.
19 (2) INCLUSIONS.—The report under paragraph
20 (1) shall include—
21 (A) consideration of—
22 (i) implementing the Net Zero initia-
23 tive of the Army in the State;
24 (ii) reducing irrigation for landscaping
25 and golf courses;

1 (iii) addressing distribution leaks and
2 inadequate or faulty plumbing fixtures;
3 and
4 (iv) wastewater reclamation and rain-
5 water harvesting; and
6 (B) a description of—
7 (i) how installations can use the En-
8 ergy and Water focus area of the Strategic
9 Environmental Research and Development
10 Program and Environmental Security
11 Technology Certification Program to pro-
12 mote and accelerate conservation at mili-
13 tary installations in the State; and
14 (ii) the feasibility of entering into
15 agreements with a utility or other entity to
16 adopt technologies or practices that—
17 (I) reduce water demand;
18 (II) increase water conservation;
19 or
20 (III) reclaim water.
21 (b) PILOT PROJECTS.—Not later than 180 days after
22 the date of submission of the report under subsection (a),
23 the Secretary of Defense shall commence, including
24 through initial planning and study, not fewer than 3 pilot

1 projects on military installations in the State to implement
2 the actions described in the report.

3 (c) SUBSEQUENT REPORTS.—Not later than 1 year
4 after the date of enactment of this Act, and annually
5 thereafter for each year during which there exists a
6 drought declaration in the State, the Secretary of Defense
7 shall submit to the Subcommittees on Military Construc-
8 tion, Veterans Affairs, and Related Agencies of the Com-
9 mittees on Appropriations of the Senate and the House
10 of Representatives a progress report describing the imple-
11 mentation of this section during the preceding calendar
12 year.

13 **SEC. 325. SUPPORT FOR STATE WATER RESOURCES CON-**
14 **TROL BOARD CURTAILMENT OF ILLEGAL**
15 **WATER DIVERSIONS.**

16 The Secretary of the Interior and the Secretary of
17 Commerce shall support the efforts of the State Water Re-
18 sources Control Board to regulate the State's water sup-
19 plies during the drought emergency by providing technical
20 and modeling assistance upon request.

21 **SEC. 326. COMBATING WATER THEFT FOR ILLEGAL MARI-**
22 **JUANA CULTIVATION.**

23 In addition to other amounts made available under
24 this Act (or an amendment made by this Act), there is
25 authorized to be appropriated $3,000,000 to the Adminis-

1 trator of the Drug Enforcement Administration for a do-
2 mestic cannabis eradication and suppression program to
3 assist State or local law enforcement agencies in the sup-
4 pression of cannabis operations that—
5 (1) are conducted on public land; or
6 (2)(A) trespass on the property of an individual
7 or entity; and
8 (B) unlawfully divert, redirect, obstruct, drain,
9 or impound water.

10 **SEC. 327. SUPPORT FOR INNOVATIVE WATER SUPPLY AND**
11 **CONSERVATION TECHNOLOGIES.**

12 (a) IN GENERAL.—In order to promote the develop-
13 ment of innovative water supply and conservation tech-
14 nologies, the Administrator of the Environmental Protec-
15 tion Agency is authorized, on a competitive basis, to award
16 grants and enter into contracts to assist in the financing
17 of research and demonstration projects for such innovative
18 technologies.

19 (b) ELIGIBLE ENTITIES.—Entities eligible to receive
20 grants and enter into contracts pursuant to this section
21 include local entities, public nonprofit institutions or orga-
22 nizations, businesses, federally recognized Indian tribal
23 governments, and nonprofit institutions or organizations.

24 (c) ELIGIBILITY CRITERIA.—The Administrator shall
25 establish criteria for applicants to be eligible to receive a

1 grant from, or enter into a contract with, the Adminis-
2 trator under this section, including—
3 (1) demonstration of the technical feasibility of
4 the proposal and the qualifications of the entity to
5 carry out the proposal;
6 (2) demonstration of the financial capability
7 and creditworthiness of non-Federal project spon-
8 sors;
9 (3) compliance with all applicable laws and re-
10 ceipt of all necessary local, State, and Federal per-
11 mits; and
12 (4) quantification of the estimated water to be
13 produced or saved by the project and the net cost of
14 the project.
15 (d) EVALUATION CRITERIA.—The Administrator
16 shall establish criteria for evaluating on a competitive
17 basis eligible applicants under this section, including the
18 degree to which the proposed technology—
19 (1) proposes an innovation that has broad, fun-
20 damental implications for water savings or water
21 supply;
22 (2) is economically feasible;
23 (3) could reduce the costs of water supply, in-
24 cluding reductions in associated energy costs;

1 (4) would solve environmental concerns or pro-
2 vide environmental benefits;
3 (5) has a proof of concept, and a likely path to
4 success within a reasonable time frame; and
5 (6) is aimed at the development of a specific
6 water saving or water supply application, as opposed
7 to basic research aimed at discovery and funda-
8 mental knowledge generation.
9 (e) AUTHORITY TO ENGAGE OTHERS.—
10 (1) IN GENERAL.—In carrying out research and
11 studies authorized in this section, the Administrator
12 may engage the necessary personnel, industrial or
13 engineering firms, Federal laboratories, water re-
14 sources research and technology institutions, other
15 facilities, and educational institutions suitable to
16 conduct investigations and studies authorized under
17 this section.
18 (2) TECHNICAL AND ADMINISTRATIVE ASSIST-
19 ANCE.—The Administrator may—
20 (A) accept technical and administrative as-
21 sistance from States and public or private agen-
22 cies in connection with studies, surveys, loca-
23 tion, construction, operation, and other work re-
24 lating to the desalting of water; and

1 (B) enter into contracts or agreements
2 stating the purposes for which the assistance is
3 contributed and providing for the sharing of
4 costs between the Administrator and any such
5 agency.
6 (f) COST-SHARING.—
7 (1) 25-PERCENT FEDERAL COST SHARE.—A
8 Federal contribution in excess of 25 percent for a
9 project carried out under this section may not be
10 made unless the Administrator determines that the
11 project is not feasible without such increased Fed-
12 eral contribution.
13 (2) MAXIMUM FEDERAL COST SHARE.—In no
14 case shall the Federal cost-share for a project under
15 this section exceed 50 percent of the total cost of the
16 project.
17 (3) PROCEDURES FOR ALLOCATING COSTS.—
18 The Administrator shall prescribe appropriate proce-
19 dures to implement the provisions of this section.
20 Costs of operation, maintenance, repair, and reha-
21 bilitation of facilities funded under the authority of
22 this section shall be non-Federal responsibilities.
23 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section

1 $35,000,000 for the period of fiscal years 2016 through
2 2020.

3 **SEC. 328. OPEN WATER DATA SYSTEM.**

4 (a) DEFINITIONS.—In this section:

5 (1) EDUCATIONAL INSTITUTION.—The term
6 "educational institution" means—

7 (A) a public or private elementary or sec-
8 ondary school;

9 (B) an institution of vocational, profes-
10 sional, or higher education (including a junior
11 college or teachers' college); and

12 (C) an association of schools or institutions
13 described in subparagraphs (A) and (B).

14 (2) INDIAN TRIBE.—The term "Indian tribe"
15 has the meaning given that term in section 4 of the
16 Indian Self-Determination and Education Assistance
17 Act (25 U.S.C. 450b).

18 (3) SECRETARY.—The term "Secretary" means
19 the Secretary of the Interior, acting through the Di-
20 rector of the United States Geological Survey.

21 (4) STATE.—The term "State" means—

22 (A) a State;

23 (B) the District of Columbia;

24 (C) the Commonwealth of Puerto Rico;
25 and

1 (D) any other territory or possession of the
2 United States.
3 (5) SYSTEM.—The term "system" means the
4 open water data system established under subsection
5 (b).
6 (b) SYSTEM.—The Secretary shall establish and
7 maintain an open water data system within the United
8 States Geological Survey to advance the availability, time-
9 ly distribution, and widespread use of water data and in-
10 formation for water management, education, research, as-
11 sessment, and monitoring purposes.
12 (c) PURPOSES.—The purposes of the system are—
13 (1) to advance the quantification of the avail-
14 ability, use of, and risks to, water resources through-
15 out the United States;
16 (2) to increase accessibility to, and expand the
17 use of, water data and information in a standard,
18 easy-to-use format by Federal, State, local, and trib-
19 al governments, communities, educational institu-
20 tions, and the private sector; and
21 (3) to facilitate the open exchange of water in-
22 formation particularly in the face of climate change
23 and unprecedented drought.
24 (d) ACTIVITIES.—In carrying out this section, the
25 Secretary shall—

1 (1) integrate water data and information into a
2 interoperable, national, geospatially referenced water
3 data framework;
4 (2) identify new water data and information
5 needs, including data on surface and groundwater
6 quality and quantity, sediment, erosion, transport,
7 water chemistry, precipitation, reservoir storage,
8 water cycle, landscape variables, hydrography, cli-
9 mate and weather impacts, soil moisture, and human
10 use;
11 (3) leverage existing shared databases, infra-
12 structure, and tools to provide a platform for water
13 data and information innovation, modeling and data
14 sharing, and solution development;
15 (4) support water data and information shar-
16 ing, applied research, and educational programs of
17 State, local, and tribal governments, communities,
18 educational institutions, and the private sector; and
19 (5) promote cooperation and sharing of exper-
20 tise regarding water data and information among
21 State, local, and tribal governments, communities,
22 educational institutions, and the private sector.
23 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this subsection
25 $4,000,000 for each fiscal year from 2016 through 2020.

TITLE IV—FEDERAL SUPPORT FOR STATE AND LOCAL DROUGHT RESILIENCY PROJECTS

Subtitle A—Reclamation Infrastructure Finance and Innovation Act

SEC. 401. PURPOSES.

The purposes of this subtitle are—

(1) to promote increased development of critical water resources infrastructure by establishing additional opportunities for financing water resources projects;

(2) to attract new investment capital to infrastructure projects that are capable of generating revenue streams through user fees or other dedicated funding sources;

(3) to complement existing Federal funding sources and address budgetary constraints on Bureau of Reclamation programs; and

(4) to leverage private investment in water resources infrastructure.

SEC. 402. DEFINITIONS.

In this subtitle:

1 (1) ELIGIBLE ENTITY.—The term "eligible enti-
2 ty" means—
3 (A) a corporation;
4 (B) a partnership;
5 (C) a joint venture;
6 (D) a trust;
7 (E) a State, or local governmental entity,
8 agency, or instrumentality; and
9 (F) a conservancy district, irrigation dis-
10 trict, canal company, mutual water company,
11 water users' association, Indian tribe, agency
12 created by interstate compact, or any other en-
13 tity that has the capacity to contract with the
14 United States under the reclamation laws.
15 (2) FEDERAL CREDIT INSTRUMENT.—The term
16 "Federal credit instrument" means a secured loan
17 or loan guarantee authorized to be made available
18 under this title with respect to a project.
19 (3) INVESTMENT-GRADE RATING.—The term
20 "investment-grade rating" means a rating of BBB
21 minus, Baa3, bbb minus, BBB (low), or higher as
22 assigned by a rating agency to project obligations..
23 (4) LENDER.—
24 (A) IN GENERAL.—The term "lender"
25 means any non-Federal qualified institutional

1 buyer (as defined in section 230.144A(a) of
2 title 17, Code of Federal Regulations (or a suc-
3 cessor regulation) (commonly known as "Rule
4 144A(a) of the Securities and Exchange Com-
5 mission" and issued under the Securities Act of
6 1933 (15 U.S.C. 77a et seq.))).
7 (B) INCLUSIONS.—The term "lender" in-
8 cludes—
9 (i) a qualified retirement plan (as de-
10 fined in section 4974 of the Internal Rev-
11 enue Code of 1986) that is a qualified in-
12 stitutional buyer; and
13 (ii) a governmental plan (as defined in
14 section 414 of the Internal Revenue Code
15 of 1986) that is a qualified institutional
16 buyer.
17 (5) LOAN GUARANTEE.—The term "loan guar-
18 antee" means any guarantee or other pledge by the
19 Secretary of the Interior to pay all or part of the
20 principal of, and interest on, a loan or other debt ob-
21 ligation issued by an obligor and funded by a lender.
22 (6) OBLIGOR.—The term "obligor" means an
23 eligible entity that is primarily liable for payment of
24 the principal of, or interest on, a Federal credit in-
25 strument.

1 (7) PROJECT OBLIGATION.—

2 (A) IN GENERAL.—The term "project obli-
3 gation" means any note, bond, debenture, or
4 other debt obligation issued by an obligor in
5 connection with the financing of a project.

6 (B) EXCLUSION.—The term "project obli-
7 gation" does not include a Federal credit in-
8 strument.

9 (8) RATING AGENCY.—The term "rating agen-
10 cy" means a credit rating agency registered with the
11 Securities and Exchange Commission as a nationally
12 recognized statistical rating organization (as defined
13 in section 3(a) of the Securities Exchange Act of
14 1934 (15 U.S.C. 78c(a)).

15 (9) RECLAMATION STATE.—The term "Rec-
16 lamation State" means any of the States of—

17 (A) Arizona;

18 (B) California;

19 (C) Colorado;

20 (D) Idaho;

21 (E) Kansas;

22 (F) Montana;

23 (G) Nebraska;

24 (H) Nevada;

25 (I) New Mexico;

1 (J) North Dakota;
2 (K) Oklahoma;
3 (L) Oregon;
4 (M) South Dakota;
5 (N) Texas;
6 (O) Utah;
7 (P) Washington; and
8 (Q) Wyoming.
9 (10) SECRETARY.—The term "Secretary"
10 means the Secretary of the Interior.
11 (11) SECURED LOAN.—The term "secured
12 loan" means a direct loan or other debt obligation
13 issued by an obligor and funded by the Secretary in
14 connection with the financing of a project under sub-
15 title A.
16 (12) SUBSIDY AMOUNT.—The term "subsidy
17 amount" means the amount of budget authority suf-
18 ficient to cover the estimated long-term cost to the
19 Federal Government of a Federal credit instrument,
20 as calculated on a net present value basis, excluding
21 administrative costs and any incidental effects on
22 Governmental receipts or outlays in accordance with
23 the Federal Credit Reform Act of 1990 (2 U.S.C.
24 661 et seq.).

1 (13) SUBSTANTIAL COMPLETION.—The term
2 "substantial completion", with respect to a project,
3 means the earliest date on which a project is consid-
4 ered to perform the functions for which the project
5 is designed.

6 **SEC. 403. AUTHORITY TO PROVIDE ASSISTANCE.**

7 The Secretary may provide financial assistance under
8 this subtitle to carry out projects within—
9 (1) any Reclamation State;
10 (2) any other State in which the Bureau of
11 Reclamation is authorized to provide project assist-
12 ance; and
13 (3) the States of Alaska and Hawaii.

14 **SEC. 404. APPLICATIONS.**

15 To be eligible to receive assistance under this subtitle,
16 an eligible entity shall submit to the Secretary an applica-
17 tion at such time, in such manner, and containing such
18 information as the Secretary may require.

19 **SEC. 405. ELIGIBILITY FOR ASSISTANCE.**

20 (a) ELIGIBLE PROJECTS.—The following non-Fed-
21 eral projects may be carried out using assistance made
22 available under this subtitle:
23 (1) A project for the reclamation and reuse of
24 municipal, industrial, domestic, and agricultural

1 wastewater, and naturally impaired ground and sur-
2 face waters, which—
3 (A) has a completed feasibility study that
4 complies with Reclamation standards; and
5 (B) the Secretary, acting through the
6 Commissioner of Reclamation, is authorized to
7 undertake.
8 (2) Any water infrastructure project not specifi-
9 cally authorized by law the Secretary determines
10 would contribute to a safe, adequate water supply
11 for domestic, agricultural, environmental, or munic-
12 ipal and industrial use.
13 (3) A new water infrastructure facility project,
14 including a water conduit, pipeline, canal, pumping,
15 power, and associated facilities.
16 (4) A project for accelerated repair and replace-
17 ment of an aging water distribution facility.
18 (5) A brackish or sea water desalination
19 project.
20 (6) A combination of projects, each of which is
21 eligible under paragraphs (1) through (5), for which
22 an eligible entity or group of eligible entities submits
23 a single application.
24 (b) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—For
25 purposes of this subtitle, an eligible activity with respect

1 to an eligible project under subsection (a) includes the cost
2 of—
3 (1) development-phase activities, including plan-
4 ning, feasibility analysis, revenue forecasting, envi-
5 ronmental review, permitting, preliminary engineer-
6 ing and design work, and other preconstruction ac-
7 tivities;
8 (2) construction, reconstruction, rehabilitation,
9 and replacement activities;
10 (3) the acquisition of real property (including
11 water rights, land relating to the project, and im-
12 provements to land), environmental mitigation, con-
13 struction contingencies, and acquisition of equip-
14 ment;
15 (4) capitalized interest necessary to meet mar-
16 ket requirements, reasonably required reserve funds,
17 capital issuance expenses, and other carrying costs
18 during construction; and
19 (5) refinancing interim construction funding,
20 existing long-term project obligations, or a secured
21 loan or loan guarantee made under this subtitle.
22 **SEC. 406. DETERMINATION OF ELIGIBILITY AND PROJECT**
23 **SELECTION.**
24 (a) ELIGIBILITY REQUIREMENTS.—To be eligible to
25 receive financial assistance under this subtitle, a project

1 shall meet the following criteria, as determined by the Sec-
2 retary:
3 (1) CREDITWORTHINESS.—
4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), the project shall be creditworthy, as
6 determined by the Secretary, who shall ensure
7 that any financing for the project has appro-
8 priate security features, such as a rate cov-
9 enant, to ensure repayment.
10 (B) PRELIMINARY RATING OPINION LET-
11 TER.—The Secretary shall require each appli-
12 cant to provide a preliminary rating opinion let-
13 ter from at least 1 rating agency indicating that
14 the senior obligations of the project (which may
15 be the Federal credit instrument) have the po-
16 tential to achieve an investment-grade rating.
17 (2) ELIGIBLE PROJECT COSTS.—The eligible
18 project costs of a project shall be reasonably antici-
19 pated to be not less than $20,000,000.
20 (3) DEDICATED REVENUE SOURCES.—The Fed-
21 eral credit instrument for the project shall be repay-
22 able, in whole or in part, from dedicated revenue
23 sources that also secure the project obligations.
24 (4) PUBLIC SPONSORSHIP OF PRIVATE ENTI-
25 TIES.—In the case of a project carried out by an en-

1 tity that is not a State or local government or an
2 agency or instrumentality of a State or local govern-
3 ment, the project shall be publicly sponsored.
4 (b) SELECTION CRITERIA.—
5 (1) ESTABLISHMENT.—The Secretary shall es-
6 tablish criteria for the selection of projects that meet
7 the eligibility requirements of subsection (a), in ac-
8 cordance with paragraph (2).
9 (2) CRITERIA.—The selection criteria shall in-
10 clude the following:
11 (A) The extent to which a project serves a
12 region with significant water resources chal-
13 lenges.
14 (B) The extent to which the project is na-
15 tionally or regionally significant.
16 (C) The extent to which assistance under
17 this section would foster innovative public-pri-
18 vate partnerships and attract private debt or
19 equity investment.
20 (D) The extent to which the project fos-
21 ters—
22 (i) collaborative partnerships between
23 cities, counties, water districts, and State
24 and Federal agencies; and

1 (ii) innovative recycling programs that
2 augment a combination of industrial, com-
3 mercial, residential, and agricultural uses.
4 (E) The likelihood that assistance under
5 this section would enable the project to proceed
6 at an earlier date than the project would other-
7 wise be able to proceed.
8 (F) The amount of budget authority re-
9 quired to fund the Federal credit instrument
10 made available under this subtitle.
11 (G) The extent to which the project helps
12 maintain or protect the environment.
13 (3) CONSISTENCY OF CRITERIA.—Not later
14 than 180 days after the enactment of this Act, the
15 Secretary shall issue eligibility requirements under
16 title IV of this Act for water recycling projects that
17 reclaim and reuse municipal, industrial, domestic, or
18 agricultural wastewater or impaired ground or sur-
19 face waters.
20 (c) RECEIPT OF OTHER FEDERAL FUNDING.—Re-
21 ceipt of a Federal grant or contract or other Federal fund-
22 ing to support an eligible project shall not preclude the
23 project from being eligible for assistance under this sub-
24 title and shall not be counted towards any Federal cost-

1 share requirements otherwise applicable to a project eligi-
2 ble for assistance under this subtitle.

3 **SEC. 407. SECURED LOANS.**

4 (a) AGREEMENTS.—

5 (1) IN GENERAL.—Subject to paragraphs (2)
6 through (4), the Secretary may enter into agree-
7 ments with 1 or more obligors to make secured
8 loans, the proceeds of which shall be used—

9 (A) to finance eligible project costs of any
10 project selected under section 406;

11 (B) to refinance interim construction fi-
12 nancing of eligible project costs of any project
13 selected under section 406; or

14 (C) to refinance long-term project obliga-
15 tions or Federal credit instruments, if that refi-
16 nancing provides additional funding capacity for
17 the completion, enhancement, or expansion of
18 any project that—

19 (i) is selected under section 406; or

20 (ii) otherwise meets the requirements
21 of section 406.

22 (2) LIMITATION ON REFINANCING OF INTERIM
23 CONSTRUCTION FINANCING.—A secured loan under
24 paragraph (1) shall not be used to refinance interim
25 construction financing under paragraph (1)(B) later

1 than 1 year after the date of substantial completion
2 of the applicable project.
3 (3) RISK ASSESSMENT.—Before entering into
4 an agreement under this subsection for a secured
5 loan, the Secretary, in consultation with the Director
6 of the Office of Management and Budget and each
7 rating agency providing a preliminary rating opinion
8 letter under section 406(a)(1)(B), shall determine an
9 appropriate capital reserve subsidy amount for the
10 secured loan, taking into account each such prelimi-
11 nary rating opinion letter.
12 (4) INVESTMENT-GRADE RATING REQUIRE-
13 MENT.—The execution of a secured loan under this
14 section shall be contingent on receipt by the senior
15 obligations of the project of an investment-grade rat-
16 ing.
17 (b) TERMS AND LIMITATIONS.—
18 (1) IN GENERAL.—A secured loan provided for
19 a project under this section shall be subject to such
20 terms and conditions, and contain such covenants,
21 representations, warranties, and requirements (in-
22 cluding requirements for audits), as the Secretary
23 determines to be appropriate.
24 (2) NONSUBORDINATION.—A secured loan
25 under this section shall not be subordinated to the

1 claims of any holder of project obligations in the
2 event of bankruptcy, insolvency, or liquidation of the
3 obligor of the project.

4 (3) MAXIMUM AMOUNT.—The amount of a se-
5 cured loan under this section shall not exceed the
6 lesser of—

7 (A) an amount equal to 49 percent of the
8 reasonably anticipated eligible project costs; and

9 (B) if the secured loan does not receive an
10 investment-grade rating, an amount equal to
11 other project obligations that have received an
12 investment-grade rating.

13 (4) PAYMENT.—A secured loan under this sec-
14 tion—

15 (A) shall be payable, in whole or in part,
16 from State or local taxes, user fees, or other
17 dedicated revenue sources that also secure the
18 senior project obligations of the relevant
19 project;

20 (B) shall include a rate covenant, coverage
21 requirement, or similar security feature sup-
22 porting the project obligations; and

23 (C) may have a lien on revenues described
24 in subparagraph (A), subject to any lien secur-
25 ing project obligations.

1 (5) INTEREST RATE.—The interest rate on a
2 secured loan under this section shall be not less than
3 the yield on United States Treasury securities of a
4 similar maturity to the maturity of the secured loan
5 on the date of execution of the loan agreement.
6 (6) MATURITY DATE.—The final maturity date
7 of a secured loan under this section shall be not
8 later than 35 years after the date of substantial
9 completion of the relevant project.
10 (7) FEES.—The Secretary may establish fees,
11 in accordance with section 408(b)(2) at a level suffi-
12 cient to cover all or a portion of the costs to the
13 Federal Government of making a secured loan under
14 this section.
15 (8) NON-FEDERAL SHARE.—The proceeds of a
16 secured loan under this section may be used to pay
17 any non-Federal share of project costs required if
18 the loan is repayable from non-Federal funds.
19 (9) MAXIMUM FEDERAL INVOLVEMENT.—The
20 total amount of Federal assistance provided for a
21 project for which assistance is provided under this
22 subtitle from all sources (including this subtitle)
23 shall not exceed 80 percent of the total cost of the
24 project.
25 (c) REPAYMENT.—

1 (1) SCHEDULE.—The Secretary shall establish
2 a repayment schedule for each secured loan provided
3 under this section, based on the projected cash flow
4 from project revenues and other repayment sources.
5 (2) COMMENCEMENT.—Scheduled loan repay-
6 ment of principal or interest on a secured loan under
7 this section shall commence not later than 5 years
8 after the date of substantial completion of the
9 project, with interest accruing during those 5 years
10 and during construction.
11 (3) DEFERRED PAYMENTS.—
12 (A) AUTHORIZATION.—If, at any time
13 after the date of substantial completion of a
14 project for which a secured loan is provided
15 under this section, the project is unable to gen-
16 erate sufficient revenues to pay the scheduled
17 loan repayments of principal and interest on the
18 secured loan, the Secretary may allow the obli-
19 gor, subject to subparagraph (C), to add unpaid
20 principal and interest to the outstanding bal-
21 ance of the secured loan.
22 (B) INTEREST.—Any payment deferred
23 under subparagraph (A) shall—

1 (i) continue to accrue interest in ac-
2 cordance with subsection (b)(5) until fully
3 repaid; and
4 (ii) be scheduled to be amortized over
5 the remaining term of the secured loan.
6 (C) CRITERIA.—
7 (i) IN GENERAL.—Any payment defer-
8 ral under subparagraph (A) shall be con-
9 tingent on the project meeting such cri-
10 teria as the Secretary may establish.
11 (ii) REPAYMENT STANDARDS.—The
12 criteria established under clause (i) shall
13 include standards for reasonable assurance
14 of repayment.
15 (4) PREPAYMENT.—
16 (A) USE OF EXCESS REVENUES.—Any ex-
17 cess revenues that remain after satisfying
18 scheduled debt service requirements on the
19 project obligations and secured loan and all de-
20 posit requirements under the terms of any trust
21 agreement, bond resolution, or similar agree-
22 ment securing project obligations may be ap-
23 plied annually to prepay a secured loan under
24 this section without penalty.

1 (B) USE OF PROCEEDS OF REFI-
2 NANCING.—A secured loan under this section
3 may be prepaid at any time without penalty
4 from the proceeds of refinancing from non-Fed-
5 eral funding sources.
6 (d) SALE OF SECURED LOANS.—
7 (1) IN GENERAL.—Subject to paragraph (2), as
8 soon as practicable after the date of substantial
9 completion of a project and after providing a notice
10 to the obligor, the Secretary may sell to another en-
11 tity or reoffer into the capital markets a secured
12 loan for a project under this section, if the Secretary
13 determines that the sale or reoffering can be made
14 on favorable terms.
15 (2) CONSENT OF OBLIGOR.—In making a sale
16 or reoffering under paragraph (1), the Secretary
17 may not change the original terms and conditions of
18 the secured loan without the written consent of the
19 obligor.
20 (e) LOAN GUARANTEES.—
21 (1) IN GENERAL.—The Secretary may provide a
22 loan guarantee to a lender in lieu of making a se-
23 cured loan under this section, if the Secretary deter-
24 mines that the budgetary cost of the loan guarantee
25 is substantially the same as that of a secured loan.

1 (2) TERMS.—The terms of a loan guarantee
2 provided under this subsection shall be consistent
3 with the terms established in this section for a se-
4 cured loan, except that the rate on the guaranteed
5 loan and any prepayment features shall be nego-
6 tiated between the obligor and the lender, with the
7 consent of the Secretary.

8 **SEC. 408. PROGRAM ADMINISTRATION.**

9 (a) REQUIREMENT.—The Secretary shall establish a
10 uniform system to service the Federal credit instruments
11 made available under this subtitle.

12 (b) RECLAMATION LOAN FINANCE CAPITAL RE-
13 SERVE FUND.—

14 (1) ESTABLISHMENT.—

15 (A) IN GENERAL.—There is established in
16 the Treasury of the United States a fund, to be
17 known as the "Reclamation Loan Finance Cap-
18 ital Reserve Fund".

19 (B) DEPOSITS TO FUND.—The Secretary
20 of the Treasury shall deposit in the fund estab-
21 lished by subparagraph (A) an amount equal to
22 the amount of capital reserve fees collected
23 under paragraph (2) for each applicable fiscal
24 year.

1 (C) TREATMENT.—The amounts deposited
2 in the fund under subparagraph (B) shall be
3 credited as offsetting collections.
4 (2) CAPITAL RESERVE FEES.—
5 (A) IN GENERAL.—To the extent required
6 by appropriations Acts, the Secretary may as-
7 sess, collect, and spend capital reserve fees at a
8 level that is sufficient to cover all or a portion
9 of the costs to the Federal Government of serv-
10 icing the Federal credit instruments provided
11 under this subtitle, including all or a portion of
12 the outlays associated with the provision of the
13 Federal credit instruments under this subtitle.
14 (B) AMOUNT.—The capital reserve fees
15 under this paragraph shall be established at
16 amounts that will result in the collection, dur-
17 ing each fiscal year, of an amount that can be
18 reasonably expected to equal the outlays associ-
19 ated with the provision of the Federal credit in-
20 struments under this subtitle.
21 (c) SERVICER.—
22 (1) IN GENERAL.—The Secretary may appoint
23 a financial entity to assist the Secretary in servicing
24 the Federal credit instruments provided under this
25 subtitle.

1 (2) DUTIES.—A servicer appointed under para-
2 graph (1) shall act as the agent for the Secretary.
3 (3) FEE.—A servicer appointed under para-
4 graph (1) shall receive a servicing fee, subject to ap-
5 proval by the Secretary.

6 **SEC. 409. STATE AND LOCAL PERMITS.**

7 (a) ESTABLISHMENT.—
8 (1) ASSUMPTION OF RESPONSIBILITY.—
9 (A) IN GENERAL.—Subject to this section,
10 the Secretary and the State may enter into a
11 written agreement, which may be in the form of
12 a memorandum of understanding, under which
13 the Secretary may designate the State as lead
14 agency for purposes of the National Environ-
15 mental Policy Act of 1969 (42 U.S.C. 4321 et
16 seq.).
17 (B) PROCEDURAL AND SUBSTANTIVE RE-
18 QUIREMENTS.—If designated as the lead agency
19 under subparagraph (A), the State shall assume
20 responsibility under this section, subject to the
21 same procedural and substantive requirements
22 that would apply if that responsibility were car-
23 ried out by the Secretary.
24 (2) PRESERVATION OF FEDERAL RESPONSI-
25 BILITY AND AUTHORITY.—

1 (A) FEDERAL RESPONSIBILITY.—Any re-
2 sponsibility of the Secretary not explicitly as-
3 sumed by the State by written agreement under
4 this section shall remain the responsibility of
5 the Secretary.
6 (B) NO EFFECT ON AUTHORITY.—Nothing
7 in this section preempts or interferes with any
8 power, jurisdiction, responsibility, or authority
9 of an agency, other than the Department of the
10 Interior, under applicable law (including regula-
11 tions) with respect to a project.
12 (3) PRESERVATION OF FLEXIBILITY.—The Sec-
13 retary may not require a State, as a condition of
14 participation and assuming lead agency status in the
15 program, to forego project delivery methods that are
16 otherwise permissible for projects.
17 (b) STATE PARTICIPATION.—
18 (1) PARTICIPATING STATES.—The Secretary
19 shall permit the State, and not more than 4 addi-
20 tional States, to participate in the program under
21 this section, subject to the limitations described in
22 paragraph (4).
23 (2) APPLICATION.—Not later than 270 days
24 after the date of enactment of this Act, the Sec-
25 retary shall amend, as appropriate, regulations that

1 establish requirements relating to information re-
2 quired to be contained in an application of a State
3 to participate in the program and to assume lead
4 agency status, including, at a minimum—
5 (A) the projects or classes of projects for
6 which the State anticipates exercising the au-
7 thority that may be granted under the program;
8 (B) verification of the financial, regulatory,
9 and enforcement resources necessary to carry
10 out the authority that may be granted under
11 the program; and
12 (C) evidence of the notice and solicitation
13 of public comment by the State relating to par-
14 ticipation of the State in the program, including
15 copies of comments received from that solicita-
16 tion.
17 (3) PUBLIC NOTICE.—
18 (A) IN GENERAL.—The State that submits
19 an application under this subsection shall give
20 notice of the intent of the State to participate
21 in the program not later than 30 days before
22 the date of submission of the application.
23 (B) METHOD OF NOTICE AND SOLICITA-
24 TION.—The State shall provide notice and so-
25 licit public comment under this paragraph by

1 publishing the complete application of the State
2 in accordance with the appropriate public notice
3 State law.
4 (4) SELECTION CRITERIA.—The Secretary may
5 approve the application of a State under this section
6 only if—
7 (A) the regulatory requirements of para-
8 graph (2) have been met;
9 (B) the Secretary determines that the
10 State has the capability, including financial,
11 regulatory, enforcement, and personnel, to as-
12 sume the responsibility of a lead agency for the
13 project; and
14 (C) the head of the State agency with pri-
15 mary jurisdiction over water infrastructure mat-
16 ters enters into a written agreement with the
17 Secretary described in subsection (c).
18 (c) WRITTEN AGREEMENT.—A written agreement
19 under this section shall—
20 (1) be executed by the Governor or the top
21 ranking water infrastructure official in the State
22 who is charged with responsibility for water infra-
23 structure construction;
24 (2) be in such form as the Secretary may pre-
25 scribe;

1 (3) provide that the State—

2 (A) agrees to assume all or part of the re-
3 sponsibilities of the Secretary described in sub-
4 section (a), including all responsibilities as a
5 lead agency;

6 (B) expressly consents, on behalf of the
7 State, to accept the jurisdiction of the Federal
8 courts for the compliance, discharge, and en-
9 forcement of any responsibility of the Secretary
10 assumed by the State;

11 (C) certifies that State laws (including reg-
12 ulations) are in effect that authorize the State
13 to take the actions necessary to carry out the
14 responsibilities being assumed; and

15 (D) agrees to maintain the financial re-
16 sources necessary to carry out the responsibil-
17 ities being assumed;

18 (4) require the State to provide to the Secretary
19 any information that the Secretary considers nec-
20 essary to ensure that the State is adequately car-
21 rying out the responsibilities assigned to the State;

22 (5) have a term of not more than 5 years; and

23 (6) be renewable.

24 (d) JURISDICTION.—

1 (1) IN GENERAL.—The United States district
2 courts shall have exclusive jurisdiction over any civil
3 action against a State for failure to carry out any
4 responsibility of the State under this section.
5 (2) LEGAL STANDARDS AND REQUIREMENTS.—
6 A civil action under paragraph (1) shall be governed
7 by the legal standards and requirements that would
8 apply in such a civil action against the Secretary if
9 the Secretary had taken the actions in question.
10 (3) INTERVENTION.—The Secretary shall have
11 the right to intervene in any action described in
12 paragraph (1).
13 (e) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—
14 A State that assumes responsibility under subsection
15 (a)(2) shall be solely responsible and solely liable for car-
16 rying out, in lieu of the Secretary, the responsibilities as-
17 sumed under subsection (a), until the program is termi-
18 nated as provided in subsection (h).
19 (f) AUDITS.—
20 (1) IN GENERAL.—To ensure compliance by a
21 State with any agreement of the State under sub-
22 section (c) (including compliance by the State with
23 all Federal laws for which responsibility is assumed
24 under subsection (a)(2)), for each State partici-

1 pating in the program under this section, the Sec-
2 retary shall conduct—
3 (A) semiannual audits during each of the
4 first 2 years of State participation; and
5 (B) annual audits during of the third and
6 fourth years of State participation.
7 (2) PUBLIC AVAILABILITY AND COMMENT.—
8 (A) IN GENERAL.—An audit conducted
9 under paragraph (1) shall be provided to the
10 public for comment.
11 (B) RESPONSE.—Not later than 60 days
12 after the date on which the period for public
13 comment ends, the Secretary shall respond to
14 public comments received under subparagraph
15 (A).
16 (g) MONITORING.—After the fourth year of the par-
17 ticipation of a State in the program, the Secretary shall
18 monitor compliance by the State with the written agree-
19 ment, including the provision by the State of financial re-
20 sources to carry out the written agreement.
21 (h) TERMINATION.—
22 (1) TERMINATION BY SECRETARY.—The Sec-
23 retary may terminate the participation of any State
24 in the program if—

1 (A) the Secretary determines that the
2 State is not adequately carrying out the respon-
3 sibilities assigned to the State;
4 (B) the Secretary provides to the State—
5 (i) notification of the determination of
6 noncompliance; and
7 (ii) a period of at least 30 days during
8 which to take such corrective action as the
9 Secretary determines is necessary to com-
10 ply with the applicable agreement; and
11 (C) the State, after the notification and
12 period provided under subparagraph (B), fails
13 to take satisfactory corrective action, as deter-
14 mined by Secretary.
15 (2) TERMINATION BY STATE.—The State may
16 terminate the participation of the State in the pro-
17 gram at any time by providing to the Secretary a
18 notice by not later than the date that is 90 days be-
19 fore the date of termination, and subject to such
20 terms and conditions as the Secretary may provide.
21 (i) LIMITATIONS ON AGREEMENTS.—Nothing in this
22 section or program—
23 (1) authorizes a State to assume any rule-
24 making authority of the Secretary under any Fed-
25 eral law;

1 (2) relieves any recipient of the assistance of
2 any obligation to obtain any other required State or
3 local permit or approval with respect to the project;
4 (3) limits the right of any unit of State or local
5 government to approve or regulate any rate of re-
6 turn on private equity invested in the project; or
7 (4) otherwise supersedes any State or local law
8 (including any regulation) applicable to the construc-
9 tion or operation of the project.

10 **SEC. 410. REGULATIONS.**

11 The Secretary may promulgate such regulations as
12 the Secretary determines to be appropriate to carry out
13 this subtitle.

14 **SEC. 411. FUNDING.**

15 (a) IN GENERAL.—There is authorized to be appro-
16 priated to the Secretary to carry out this subtitle
17 $200,000,000 through fiscal year 2020, to remain avail-
18 able until expended.

19 (b) OFFSET REQUIRED.—No funds made available
20 under this section may be used to provide financial assist-
21 ance under this subtitle unless sufficient funds have been
22 appropriated to offset any decrease in Federal revenue re-
23 sulting from the use by any unit of State or local govern-
24 ment of proceeds of any obligation—

1 (1) the interest on which is exempt from the
2 tax imposed under chapter 1 of the Internal Rev-
3 enue Code of 1986; or
4 (2) with respect to which credit is allowable
5 under subpart I or J of part IV of subchapter A of
6 chapter 1 of that Code.
7 (c) ADMINISTRATIVE COSTS.—Of the funds made
8 available to carry out this subtitle, the Secretary may use
9 for the administration of this subtitle not more than
10 $2,200,000 for each of fiscal years 2016 through 2020.
11 **SEC. 412. DEAUTHORIZATION OF INACTIVE PROJECTS.**
12 (a) PURPOSES; DEFINITIONS.—
13 (1) PURPOSES.—The purposes of this section
14 are—
15 (A) to establish an efficient and trans-
16 parent process for deauthorizing projects and
17 programs that have failed to receive a minimum
18 level of investment to ensure active projects can
19 move forward while reducing the backlog of au-
20 thorized projects;
21 (B) to create an expedited and definitive
22 process to deauthorize water resources develop-
23 ment programs and projects;

1 (C) to allow the continued authorization of
2 water resources development programs and
3 projects that are viable for construction; and
4 (D) to establish a process for identifying
5 authorized reclamation projects that are no
6 longer—
7 (i) in the Federal interest; or
8 (ii) feasible.
9 (2) DEFINITIONS.—In this section:
10 (A) SECRETARY.—The term "Secretary"
11 means the Secretary of the Interior.
12 (B) WATER RESOURCES DEVELOPMENT
13 PROGRAM OR PROJECT.—The term "water re-
14 sources development program or project" in-
15 cludes any water and related resource project or
16 program of the Bureau of Reclamation.
17 (b) COMPREHENSIVE REPORTS.—
18 (1) MINIMUM FUNDING LIST.—Not later than
19 180 days after the date of enactment of this Act, the
20 Secretary shall submit to the Committee on Energy
21 and Natural Resources of the Senate and the Com-
22 mittee on Natural Resources of the House of Rep-
23 resentatives, and make available on a publicly acces-
24 sible Internet website in a manner that is download-
25 able, searchable, and sortable, a list of—

1 (A) projects or separable elements of
2 projects authorized for construction for which
3 funding has been obligated during the current
4 fiscal year or any of the 5 preceding fiscal
5 years;
6 (B) the amount of funding obligated for
7 each such project or separable element per fis-
8 cal year;
9 (C) the current phase of each such project
10 or separable element; and
11 (D) the amount required to complete the
12 current phase of each such project or separable
13 element.
14 (2) BACKLOG REPORT.—Together with the re-
15 port under paragraph (1), the Secretary shall submit
16 to the Committee on Energy and Natural Resources
17 of the Senate and the Committee on Natural Re-
18 sources of the House of Representatives, and make
19 available on a publicly accessible Internet website in
20 a manner that is downloadable, searchable, and sort-
21 able, a list of—
22 (A) projects or separable elements that are
23 authorized for construction but have not been
24 completed;

1 (B) the date of authorization of the project
2 or separable element, including any subsequent
3 modifications to the original authorization;
4 (C) the original budget authority for the
5 project or separable element;
6 (D) a brief description of the project or
7 separable element;
8 (E) the estimated date of completion of the
9 project or separable element;
10 (F) the estimated cost of completion of the
11 project or separable element; and
12 (G) any amounts appropriated for the
13 project or separable element that remain unobli-
14 gated.
15 (c) INTERIM DEAUTHORIZATION LIST.—
16 (1) IN GENERAL.—The Secretary shall develop
17 an interim deauthorization list that identifies each
18 water resources development program or project, or
19 separable element of a program or project, author-
20 ized for construction before March 30, 2009, for
21 which—
22 (A) construction was not initiated before
23 the date of enactment of this Act; or
24 (B) construction was initiated before the
25 date of enactment of this Act, but for which no

1 Federal or non-Federal funds were obligated for
2 construction of the program, project, or sepa-
3 rable element of the program or project during
4 the current fiscal year or any of the 6 preceding
5 fiscal years.
6 (2) PUBLIC COMMENT AND CONSULTATION.—
7 (A) IN GENERAL.—The Secretary shall so-
8 licit comments from the public and the Gov-
9 ernors of each applicable State on the interim
10 deauthorization list developed under paragraph
11 (1).
12 (B) COMMENT PERIOD.—The public com-
13 ment period shall be 90 days.
14 (3) SUBMISSION TO CONGRESS; PUBLICA-
15 TION.—Not later than 90 days after the date of sub-
16 mission of the list required by subsection (b), the
17 Secretary shall—
18 (A) submit the interim deauthorization list
19 to the Committee on Energy and Natural Re-
20 sources of the Senate and the Committee on
21 Natural Resources of the House of Representa-
22 tives; and
23 (B) publish the interim deauthorization list
24 in the Federal Register.
25 (d) FINAL DEAUTHORIZATION LIST.—

1 (1) IN GENERAL.—The Secretary shall develop
2 a final deauthorization list of each water resources
3 development program or project, or separable ele-
4 ment of a program or project, described in sub-
5 section (c)(1) that is identified pursuant to this sub-
6 section.
7 (2) IDENTIFICATION OF PROJECTS.—
8 (A) CRITERIA FOR INCLUSION.—
9 (i) IN GENERAL.—The Secretary shall
10 identify programs, projects, and separable
11 elements of programs and projects for in-
12 clusion on the final deauthorization list
13 that may no longer be viable for construc-
14 tion.
15 (ii) FACTORS TO CONSIDER.—The
16 Secretary may identify programs, projects,
17 and separable elements of programs and
18 projects for exclusion from the final de-
19 authorization list if the Secretary deter-
20 mines, on a case-by-case basis, that a
21 project or separable element of a project is
22 critical for interests of the United States,
23 based on the possible impact of the project
24 or separable element of the project on pub-

1 lic health and safety, the national economy,
2 or the environment.
3 (iii) CONSIDERATION OF PUBLIC COM-
4 MENTS.—In making determinations under
5 clauses (i) and (ii), the Secretary shall con-
6 sider any comments received under sub-
7 section (c)(3).
8 (B) APPENDIX.—The Secretary shall in-
9 clude as part of the final deauthorization list an
10 appendix that—
11 (i) identifies each program, project,
12 and separable element of a program or
13 project on the interim deauthorization list
14 developed under subsection (c) that is not
15 included on the final deauthorization list;
16 and
17 (ii) describes the reasons why the pro-
18 gram, project, or separable element is not
19 included.
20 (3) SUBMISSION TO CONGRESS; PUBLICA-
21 TION.—Not later than 120 days after the date on
22 which the public comment period under subsection
23 (c)(3) expires, the Secretary shall—
24 (A) submit the final deauthorization list
25 and the appendix to the final deauthorization

1 list to the Committee on Energy and Natural
2 Resources of the Senate and the Committee on
3 Natural Resources of the House of Representa-
4 tives; and
5 (B) publish the final deauthorization list
6 and the appendix to the final deauthorization
7 list in the Federal Register.
8 (e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—
9 (1) IN GENERAL.—Subject to paragraph (2),
10 after the date that is 180 days after the date of sub-
11 mission of the final deauthorization report under
12 subsection (d), a program, project, or separable ele-
13 ment of a program or project identified in the report
14 is deauthorized, unless Congress passes a joint reso-
15 lution disapproving the final deauthorization report
16 prior to the end of that period.
17 (2) NON-FEDERAL CONTRIBUTIONS.—A pro-
18 gram, project, or separable element of a program or
19 project identified in the final deauthorization report
20 under subsection (d) shall not be deauthorized under
21 this subsection if, before the expiration of the 180-
22 day period referred to in paragraph (1), the non-
23 Federal interest of the program, project, or sepa-
24 rable element of the project provides sufficient funds

1 to complete the program, project, or separable ele-
2 ment of the project.
3 (f) TREATMENT OF PROJECT MODIFICATIONS.—For
4 purposes of this section, if an authorized water resources
5 development program, project, or separable element of the
6 program or project has been modified by an Act of Con-
7 gress, the date of authorization of the program, project,
8 or separable element shall be deemed to be the date of
9 the most recent modification.

10 Subtitle B—Expansion of Water 11 Storage, Integrated Regional 12 Water Management, and 13 WaterSMART

14 SEC. 421. WATER STORAGE, INTEGRATED REGIONAL 15 WATER MANAGEMENT, RECLAMATION, AND 16 RECYCLING PROJECTS.

17 (a) FINDINGS.—Congress finds that—
18 (1) the State is currently experiencing an his-
19 toric drought that has not been witnessed in over
20 100 years of recorded history, and funding will allow
21 the Bureau of Reclamation to better respond to and
22 mitigate the potential impacts of extended drought
23 and long-term sustainability challenges;
24 (2) since WaterSMART was established in
25 2010, the program has provided approximately

1 $250,000,000 in competitively awarded funding to
2 non-Federal partners, including Indian tribes, water
3 districts, municipalities, and institutions of higher
4 education, which investments have conserved enough
5 water to meet the needs of more than 3,800,000 in-
6 dividuals, allowing every acre-foot of water conserved
7 to be made available for other uses; and
8 (3) activities funded under WaterSMART in-
9 clude those critical to meeting the Priority Goal for
10 Climate Change of the Department of the Interior,
11 which includes climate risk assessment activities and
12 related efforts that ensure sustainable water supplies
13 in the western United States.
14 (b) AMENDMENT.—Section 9504 of the Omnibus
15 Public Land Management Act of 2009 (42 U.S.C. 10368)
16 is amended—
17 (1) by redesignating subsections (c) through (e)
18 as subsections (d) through (f), respectively;
19 (2) by inserting after subsection (b) the fol-
20 lowing:
21 "(c) WATER STORAGE, INTEGRATED REGIONAL
22 WATER MANAGEMENT, RECLAMATION, AND RECYCLING
23 PROJECTS.—
24 "(1) IN GENERAL.—The Secretary is authorized
25 to enter into cost shared financial assistance and

1 other long-term agreements with non-Federal par-
2 ticipants in Reclamation States (as defined in sec-
3 tion 402 of the California Emergency Drought Re-
4 lief Act of 2015) and the States of Hawaii and Alas-
5 ka to advance the planning, design, and construction
6 of non-Federal permanent water storage and convey-
7 ance facilities, projects for the reclamation and reuse
8 of municipal, industrial, domestic and agricultural
9 wastewater, and naturally impaired ground and sur-
10 face waters, and other water management improve-
11 ment projects for which the Secretary is authorized
12 under this subtitle to assist an applicant in the plan-
13 ning, design, and construction.
14 "(2) PRIORITY.—In providing financial assist-
15 ance under this section, the Secretary shall give pri-
16 ority to storage, conveyance, and water management
17 improvement projects that—
18 "(A) ensure the efficient and beneficial use
19 of water or reuse of recycled water;
20 "(B) use integrated and coordinated water
21 management on a watershed or regional scale;
22 "(C) increase the availability of usable
23 water supplies in a watershed or region to ben-
24 efit individuals, the economy, and the environ-

1 ment and include adaptive measures needed to
2 address climate change and future demands;
3 "(D) where practicable, provide flood con-
4 trol or recreation benefits and include the devel-
5 opment of incremental hydroelectric power gen-
6 eration;
7 "(E) include partnerships that go beyond
8 political and institutional jurisdictions to sup-
9 port the efficient use of the limited water re-
10 sources of a region and the United States; and
11 "(F) generate environmental benefits, such
12 as benefits to fisheries, wildlife and habitat,
13 water quality, water-dependent ecological sys-
14 tems, and water supply benefits to agricultural
15 and urban water users.
16 "(3) FEDERAL COST SHARE.—The Federal
17 share of the cost of a project authorized under sub-
18 section (a) shall be—
19 "(A) an amount equal to the lesser of—
20 "(i) 25 percent of total costs; and
21 "(ii) $20,000,000 (adjusted for infla-
22 tion); and
23 "(B) nonreimbursable.
24 "(4) IN-KIND CONTRIBUTIONS.—The non-Fed-
25 eral share of the cost of a project authorized under

1 subsection (a) may include in-kind contributions to
2 the planning, design, and construction of a project.
3 "(5) TITLE; OPERATION AND MAINTENANCE
4 COSTS.—The non-Federal entity entering into a fi-
5 nancial assistance agreement under this subsection
6 shall hold title to any and all facilities constructed
7 under this section, and shall be solely responsible for
8 the costs of operating and maintaining such facili-
9 ties."; and
10 (3) in subsection (f) (as redesignated by para-
11 graph (1)), by striking "$300,000,000" and insert-
12 ing "$400,000,000".

13 **Subtitle C—Water Recycling**
14 **Eligibility**

15 **SEC. 431. NEW WATER RECYCLING AND REUSE PROJECTS.**
16 Section 1602 of the Reclamation Wastewater and
17 Groundwater Study and Facilities Act (43 U.S.C. 390h)
18 is amended by adding at the end the following:
19 "(e) AUTHORIZATION OF NEW WATER RECYCLING
20 AND REUSE PROJECTS.—
21 "(1) IN GENERAL.—A non-Federal interest may
22 submit to the Secretary proposals for eligible
23 projects in the form of completed feasibility studies.

1 "(2) ELIGIBLE PROJECTS.—A project shall be
2 considered eligible for consideration under this sub-
3 section if the project reclaims and reuses—
4 "(A) municipal, industrial, domestic, or ag-
5 ricultural wastewater; or
6 "(B) impaired ground or surface waters.
7 "(3) GUIDELINES.—
8 "(A) IN GENERAL.—Not later than 90
9 days after the date of enactment of this sub-
10 section, the Secretary shall issue water recy-
11 cling project solicitation and evaluation guide-
12 lines that include the criteria listed in sub-
13 section (f)(2).
14 "(B) REVIEW.—Consistent with the prior-
15 ities described in section 301 of the California
16 Emergency Drought Relief Act of 2015, the
17 Secretary shall review each feasibility study re-
18 ceived under paragraph (1) for the purpose of
19 determining whether the study, and the process
20 under which the study was developed, comply
21 with Federal laws and regulations applicable to
22 feasibility studies of water recycling and reuse
23 projects.
24 "(f) COMPETITIVE GRANT FUNDING OF WATER RE-
25 CYCLING AND REUSE PROJECTS.—

1 "(1) ESTABLISHMENT.—The Secretary shall es-
2 tablish a competitive grant program under which the
3 non-Federal project sponsor of any project deter-
4 mined by the Secretary to be feasible under sub-
5 section (e)(2) shall be eligible to apply for funding
6 for the planning, design, and construction of the
7 project.

8 "(2) PRIORITY.—When funding projects under
9 paragraph (1), the Secretary shall give funding pri-
10 ority to projects that meet 1 or more of the criteria
11 listed in paragraph (3) and are located in an area
12 that at any time in the 10-year period before such
13 funds are made available—

14 "(A) has been identified by the United
15 States Drought Monitor as experiencing severe,
16 extreme, or exceptional drought; or

17 "(B) was designated as a disaster area by
18 a State.

19 "(3) CRITERIA.—The project criteria referred
20 to in paragraph (2) are as follows:

21 "(A) Projects that are likely—

22 "(i) to provide a more reliable water
23 supply; and

24 "(ii) to protect, restore, or enhance
25 aquatic ecosystems including estuaries,

1 groundwater basins, and rivers and
2 streams and tributaries.
3 "(B) Projects that are likely to increase
4 water management flexibility and reduce im-
5 pacts on environmental resources.
6 "(C) Projects that are regional in scale or
7 are included in integrated regional water man-
8 agement plans.
9 "(D) Projects that use integrated and co-
10 ordinated water management on a watershed or
11 regional scale.
12 "(E) Projects that provide multiple bene-
13 fits, including improved water supply reliability
14 for urban and agricultural water users, eco-
15 system benefits, such as benefits to fisheries,
16 wildlife and habitat, water quality, groundwater
17 management, and water quality improvements.
18 "(F) Projects for which a feasibility study
19 has been completed and any necessary environ-
20 mental or public reviews have been initiated.
21 "(4) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to the Sec-
23 retary to carry out this subsection $200,000,000
24 through fiscal year 2020.".

1 **Subtitle D—Federal Support for**
2 **State and Local Drought Solu-**
3 **tions Fund**

4 **SEC. 441. ESTABLISHMENT.**

5 There is established in the Treasury of the United
6 States a fund, to be known as the "Federal Support for
7 State and Local Drought Solutions Fund" (referred to in
8 this subtitle as the "Fund"), consisting of—

9 (1) such amounts as are deposited in the Fund
10 under section 443; and

11 (2) any interest earned on investment of
12 amounts in the Fund under section 445.

13 **SEC. 442. ACCOUNTS.**

14 Within the Fund, there are established the following
15 accounts:

16 (1) The Federal Assistance to State and Local
17 Storage Project Account, for expenditure on projects
18 with a maximum 25-percent Federal cost share au-
19 thorized under section 301(c).

20 (2) The Reclamation Infrastructure Finance
21 and Innovation Account, for expenditure on Federal
22 loan guarantees authorized under subtitle A.

23 **SEC. 443. DEPOSITS TO FUND.**

24 (a) IN GENERAL.—For each of fiscal years 2026
25 through 2050, the Secretary of the Treasury shall deposit

1 in the Fund $150,000,000 of the revenues that would oth-
2 erwise be deposited for the fiscal year in the reclamation
3 fund established by the first section of the Act of June
4 17, 1902 (32 Stat. 388, chapter 1093), of which—

5 (1) $75,000,000 for each of those fiscal years
6 shall be deposited in the Federal Assistance to State
7 and Local Storage Project Account established by
8 section 442(1);

9 (2) $40,000,000 for each of those fiscal years
10 shall be used to fund projects pursuant to section
11 1602 of the Reclamation Wastewater and Ground-
12 water Study and Facilities Act (43 U.S.C. 390h);
13 and

14 (3) $35,000,000 for each of the fiscal years
15 shall be deposited in the Reclamation Infrastructure
16 Finance and Innovation Account established by sec-
17 tion 442(2).

18 (b) AVAILABILITY OF AMOUNTS.—Amounts depos-
19 ited in the Fund under this subtitle shall—

20 (1) be made available in accordance with this
21 section, without further appropriation; and

22 (2) be in addition to amounts appropriated for
23 such purposes under any other provision of law.

1 **SEC. 444. EXPENDITURES FROM FUND.**

2 (a) IN GENERAL.—Subject to subsection (b), for each
3 of fiscal years 2026 through 2050, the Secretary of the
4 Interior may expend from the Fund, in accordance with
5 this subtitle, not more than an amount equal to the sum
6 of—

7 (1) the amounts deposited in the Fund that
8 year under section 443; and

9 (2) the amount of interest accrued in the Fund
10 in each account for the fiscal year in which the ex-
11 penditures are made, with the interest accrued in
12 each account used only for expenditures from that
13 account.

14 (b) ADDITIONAL EXPENDITURES.—

15 (1) IN GENERAL.—The Secretary may expend
16 more in any fiscal year than the amounts described
17 in subsection (a) if the additional amounts are avail-
18 able in the Fund as a result of a failure of the Sec-
19 retary to expend all of the amounts available under
20 subsection (a) in 1 or more prior fiscal years.

21 (2) RETENTION IN ACCOUNTS.—Any additional
22 amounts referred to in paragraph (1) shall—

23 (A) be retained within the account to
24 which the amounts were designated;

25 (B) accrue interest for the designated ac-
26 count in accordance with this subtitle; and

1 (C) only be expended for the purposes for
2 which expenditures from the designated ac-
3 counts are authorized.

4 **SEC. 445. INVESTMENTS OF AMOUNTS.**

5 (a) IN GENERAL.—The Secretary shall invest such
6 portion of the Fund as is not, in the judgment of the Sec-
7 retary, required to meet current withdrawals.

8 (b) CREDITS TO FUND.—The interest on, and the
9 proceeds from the sale or redemption of, any obligations
10 held in the Fund shall be credited to, and form a part
11 of, the Fund.

12 **SEC. 446. TRANSFERS OF AMOUNTS.**

13 (a) IN GENERAL.—The amounts required to be
14 transferred to the Fund under this subtitle shall be trans-
15 ferred at least monthly from the general fund of the
16 Treasury to the Fund on the basis of estimates made by
17 the Secretary of the Treasury.

18 (b) ADJUSTMENTS.—Proper adjustment shall be
19 made in amounts subsequently transferred to the extent
20 prior estimates are in excess of or less than the amounts
21 required to be transferred.

22 **SEC. 447. TERMINATION.**

23 On September 30, 2050—

24 (1) the Fund shall terminate; and

1 (2) the unexpended and unobligated balance of
2 the Fund shall be transferred to the reclamation
3 fund established by the first section of the Act of
4 June 17, 1902 (32 Stat. 388, chapter 1093).

○

EAST BAY MUNICIPAL UTIILITY DISTRICT

DATE: September 8, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager ARC

FROM: Cheryl A. Farr, Special Assistant to the General Manager Cheryl

SUBJECT: 2015 Critical Drought Action Plan Update

SUMMARY

Staff continues implementing the 2015 Critical Drought Action Plan to support customer conservation and customer compliance with drought-related regulations and ordinances adopted by the Board and the state. Based on water production, August demand was down 27 percent compared to the same time period in 2013, surpassing the calendar year 2015 20 percent goal set by the Board and the 16 percent target EBMUD is required to achieve based on state requirements. Since the February 11, 2014 drought declaration the cumulative savings rate is 16 percent and since January 2015 the cumulative savings rate is 21 percent.

DISCUSSION

Customer Outreach and Activity. Bill inserts thanking customers who are using eight units or less per bi-monthly billing period continued mailing in August to acknowledge sustained low water use. During August, staff responded to 486 drought-related phone and email inquiries regarding customer conservation efforts, rebate programs, excessive use penalties and the drought surcharge. Rebates were processed for 618 requests, lower than the previous month (1,166) due to the typical seasonal slowdown in August. Business orders for conservation materials such as restaurant table tents, hotel linen cards, shower stickers, and nursery plant tags continued with 675 orders placed through the online store. Staff continues to respond to a high volume of water waste reports; 600 were received in August and 67 percent involved residential properties.

Home Water Reports continue to be an effective customer engagement tool with 33,197 reports distributed in August. The reports continue to help inform customers of additional conservation services through the online portal and District website. Water conservation activities completed in August are summarized in Attachment 1.

The District continues to work with residential and business customers on meeting the drought outdoor watering restrictions. Golf courses that have pledged a 40% reduction from their 2013 baseline have been doing very well in achieving savings to date. Staff continued to

meet with members of the Landscape Advisory Committee during August to engage members on ideas and approaches to enhance community outreach and services that will promote efficient landscape design, irrigation and maintenance practices. The District also is planning a number of outdoor landscaping community workshops in September and the fall that are being supported with $2,000 in drought education funding from the California Department of Water Resources. Interest in scheduling Board members and staff to speak on water supply and drought efforts remains high. Recent and upcoming speaking engagements are shown in Attachment 2.

During August staff responded to 18 drought-related media inquiries that addressed violations of the outdoor watering restrictions, demand reductions this summer, recycled water projects and the potential impact of El Niño on drought. The drought theater program EBMUD is sponsoring at community events throughout the service area was presented in 7 cities during August.

The September-October ***Customer Pipeline*** has started mailing. It thanks customers for conserving, features advice to help customers save water outdoors and provides an update on recycled water use in the service area. As part of continuing efforts to communicate the consequences of excessive water use and water theft, the current top of bill message informs customers that California law requires EBMUD to release the name, address and water use data of customers who have used water in violation of EBMUD's regulations and ordinances if that data is requested under the Public Records Act.

In April, EBMUD mailed a request from President Mellon to all cities, counties, special districts and home owners associations within our service area asking them to make a pledge to partner with EBMUD to conserve water together during the drought. The pledge commits those who sign to helping educate local residents and businesses on how to conserve and to promoting compliance with mandatory water use restrictions. Board members and staff have been periodically following up with cities, counties and other entities who received the pledge to either thank them for pledging or encourage them to make the conservation pledge.

Community pledges received to date are from Alameda, Albany, Berkeley, Lafayette, Oakland, Pleasant Hill, Pinole and Walnut Creek. EBMUD is awaiting pledges from Danville, El Cerrito, Emeryville, Hercules, Orinda, Piedmont, Richmond, San Leandro, San Pablo and San Ramon. Contra Costa County has pledged to partner and we are awaiting a pledge from Alameda County. Pledges also have been received from: Alameda County Office of Education, Albany Unified School District, Castro Valley Sanitary District, East Bay Regional Park District, Hayward Recreation & Parks District, Oakland Unified School District, Pleasant Hill Recreation & Park District, San Leandro Unified School District, Avington Lofts Home Owners Association (HOA), Eastbluff HOA, FSS Properties, Lafayette Chamber of Commerce, LBJ Properties, Listo Properties, Orinda Chamber of Commerce, Marina Seagate HOA, Primrose Terrace HOA, Regency Townhomes HOA and Woodminster HOA.

District Operations. Staff continues to actively monitor and manage EBMUD's own water use. August 2015 water use at our facilities was down 23 percent compared to August 2013

(6,496 units consumed in 2013 and 5,001 in 2015) and cumulative water use from February 2014 – August 2015 is down 15 percent. In addition, the District has saved water in 11 of the last 12 months, with April 2015 being the exception. The District's heightened deployment of acoustic loggers, remote telemetry and pipeline survey crews continues to identify leaks and prioritize water loss control response within the distribution system.

Trucked Recycled Water Program. The amount of trucked recycled water used in August was 587,000 gallons from the East Bayshore station and 262,000 gallons from the North Richmond station, for a total of 849,000 gallons.

Supplemental Supply Actions. The Freeport pumping plants and facilities continued to be in service in August to deliver supplemental supply from the Sacramento River to the East Bay. The District has been diverting 64 MGD of Central Valley Project (CVP) water from the Freeport facilities in August. On August 30th, the District completed delivery of 33,250 acre-feet of CVP water and began delivering transfer water. Staff obtained approval from the U. S. Bureau of Reclamation to increase the delivery rate at Freeport to 90 MGD as of September 1, 2015 and is bringing Folsom South Canal water into Walnut Creek Water Treatment Plant in September. Staff plans to complete the delivery of 24,668 acre-feet of transfer water to the East Bay by mid-December.

NEXT STEPS

The San Pablo Water Treatment Plant is scheduled to come into service in October and staff is continuing to prepare for the start-up.

Staff is preparing to mail letters to customers who are at or near the penalty level based on their water use in recent weeks. The letter explains the consequences of violating EBMUD's excess water use ordinance and the criteria for appeals.

Staff is developing a web listing of agencies that have taken the pledge to partner with EBMUD on conservation to thank them for helping to meet our service area conservation goals this summer. The listings will include hyperlinks to conservation information on our partners' websites.

Attachments:
1. Water Conservation Outreach Update as of August 30, 2015
2. Speakers Bureau Update as of August 30, 2015

FY16 Demand Reduction Program

As of August 31, 2015 [4]

Monthly Water Conservation Activity	Current Month	Activity Level to Date
Customer Outreach (on-site audits, self-survey kits, landscape consultations, high-bill inquiries, new account review, WaterSmart Home Water Reports[1]) - Residential	**33,619**	**261,818**
Single Family	*33,402*	*260,051*
Multi Family (number of dwelling units audited)	*217*	*1,767*
Customer Outreach (on-site audits, landscape consultations, high bill inquiries) - Non Residential	**1,581**	**27,907**
Commercial	*3*	*235*
Industrial	*1*	*8*
Institutional		*18*
Irrigation and IRIS Water Budget Program	*1577*	*27,646*
Devices, Materials and Information Distributed	**990**	**35,805**
Water Saving Devices (showerheads, aerators, dye tabs, toilet bags, hose nozzles)	291	9,338
Table tents, hotel cards, shower stickers	675	23,838
Plant Books[3]	24	2,629
Water Waste Response	**600**	**6,757**
Residential	*403*	*4,341*
Commercial	*97*	*1,094*
Institutional	*50*	*357*
Street and Misc. [2]	*50*	*965*
Rebates (toilets, clotheswashers, irrigation controllers, landscape, etc.)	**618**	**19,441**
Rebates Paid (toilets, clotheswashers, irrigation controllers, landscape, etc.) :		
Residential	*593*	18,045
Non-Residential	*25*	1,396
Community Outreach Presentations/Events	**10**	**245**

Contact Center Activity	Current Month	Activity Level to Date
No. of Leak Adjustments	**235**	**5,920**
Drought Related Calls	**305**	**3,944**
Drought Related Emails	**24**	**843**

[1] *WaterSmart Home Water Reports added in September 2014*

[2] *Note this is a new category as of August 2014*

[3] *Adjustment in plant book sales versus consignments occurred January 2015*

[4] *Data Collection started February 2014*

[5] *Onetime adjustment of totals - correcting year-to-date*

SWRCB - Started as of March 2015- no reporting until July 2015	*May*	April
Penalties	0	0
Optional - Enforcement Actions:	0	0

SPEAKERS' BUREAU and OUTREACH RECORD CY15

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
TBD	Ada Street Neighborhood Association Berkeley	TBD	Presentation	Water conservation	22
TBD	Albany Rotary	Mike Hazinski	Presentation	Water conservation	18
TBD	Atchison Village Mutual HOA Richmond	TBD	Presentation	Water conservation tips and rebates for lawn conversion	40
TBD	Beth Chaim Congregation Danville	TBD	Presentation	Water conservation and impact of drought	50
TBD	Chevron Refinery	Richard Sykes	Presentation	Drought, recycling, and conservation	
TBD	Contra Costa Association of Realtors (West) Richmond	TBD	Presentation	Water conservation tips and updates	35
TBD	Glenview Neighborhood Association Oakland	TBD	Presentation	Water conservation and landscaping lawn conversion	40
TBD	kW Engineering Oakland	TBD	Presentation	Water conservation for personal and building use	30
TBD	Oakland City Council Desley Brooks	Ben Horenstein, Jackie Kepke, Sophia Skoda, Steve Sherman	Tour	Wastewater Treatment Plant - Food waste to energy tour	
TBD	Oakland International High School	Michelle Blackwell	Presentation	Water consumption and storage	27
TBD	One Kelton Court Oakland	TBD	Presentation	Water conservation	25

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
TBD	Richmond City Council	Director McIntosh	Presentation	Drought and water conservation (Reschedule from June)	
TBD	Rosie the Riveter National Historic Park and Eugene O'Neill National Historic Park Richmond	Michelle Blackwell	Presentation	Overview of EBMUD, water supply, water conservation and California water issues	
TBD	Sequoyah Hills HOA Oakland	TBD	Presentation	Water saving tips, long range drought impacts, water saving devices	30
TBD	Tara Hills Mobile Manor Senior Housing San Pablo	David Wallenstein	Presentation	Water conservation	20
TBD	Water Conservation Committee Solar Power - Rossmoor	Scott Sommerfeld	Presentation	Plants and landscapes for Rossmoor	25
TBD	Zero Graffiti International City of Oakland Annual Graffiti Masters Event	TBD	Presentation	Proper disposal and procedures when pressure washing	60
12/2/15 2:00pm- 3:15pm	ACWA Statewide Issue Forum	Alex Coate	Presentation	Financing water and related infrastructure in the future	
11/19/15 11:30am- 1:30pm	Director Lesa McIntosh's Ward Briefing Richmond	Director McIntosh	Presentation	EBMUD update on water supply, rates, water conservation, infrastructure, long term water supplies	60
11/4/15 11:00am- 1:30pm	Lamorinda Sons In Retirement (Branch 171)	Director Coleman	Presentation	Water policy	150
10/23/15	California Utility Management Association/California Urban Water Agency Forum	Alex Coate	Presentation	Regional Partnerships	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
10/20/15 7:45am-9:45am	President Frank Mellon's Ward Briefing Castro Valley	President Mellon	Presentation	EBMUD update on water supply, rates, water conservation, infrastructure, long term water supplies	60
10/17/15 2pm	Castro Valley Library	Scott Sommerfeld	Presentation	Water conservation and landscape rebates	
10/17/15 10am	Palomares Hills HOA Castro Valley	Scott Sommerfeld	Presentation	Landscape and indoor water conservation, better plant choices for drought, turf replacement, graywater diversion	50
10/15-16/15	EBMUD Insurance Brokers and Insurance Underwriters	TBD	Tour	Pardee Dam Tour, Camanche, and Chevron Treatment Plant	15
10/13/15 11:30am	Alamo/Danville Newcomers Club	Charles Bohlig	Presentation	Water conservation and water supply	250
10/13/15 7:30am-8:30am	Oakland Sunrise Rotary Club	Charles Bohlig	Presentation	Water conservation and drought	10
10/4/15 4pm-7pm	The Gardens at Heather Farms Wine & Roses Mediterraneo Walnut Creek	Jessica Woodard	Presentation	Water conservation	
10/4/15 2pm-5pm	Sustainable Lafayette	Charles Bohlig	Presentation	Drought and water conservation	150
10/4/15 1:00pm-2:30pm	Orchard Nursery & Florist Lafayette	Scott Sommerfeld	Presentation	"The State of Our Water - Where we are today and what is ahead?"	15
10/1/15 3pm-7pm	East Bay Rental Housing Association Annual Trade Show Oakland	Rolando Gonzalez	Table	Water conservation for multi-family owners and managers	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
9/30/15 12pm	Orinda Rotary	Director Young	Presentation	Drought and water conservation	
9/29 TBD	EcoLab Water Conservation Seminar	Richard Harris	Panel	Commercial, industrial, and institutional water conservation	
9/28/15	BPC Water Energy Nexus Workshop	Alex Coate	Presentation	EBMUD water and energy optimization efforts	
9/26/15 10am-3pm	UC Master Gardeners of Contra Costa County Walnut Creek	Salbra James	Presentation	Water saving landscapes	60
9/24/15 11am	Hoe and Hope East Bay Garden Club Piedmont	Charles Bohlig, Shannon Rivers	Presentation	Water conservation, drought, solutions for clean water, El Nino	40
9/23/15 11:30am-1:30pm	Director Bill Patterson's Ward Briefing Oakland	Director Patterson	Presentation	EBMUD update on water supply, rates, water conservation, infrastructure, long term water supplies	60
9/22/15 6:30pm-9:00pm	Lamorinda Lions Club Lafayette	Jessica Woodard	Presentation	Water conservation and lawn rebate program	150
9/22/15 10:30am	Oakland Chinatown StreetFest	EarthCapades for EBMUD	Presentation	Water conservation and drought	
9/22/15	Danville - Sycamore Rotary	Director Coleman	Presentation	Drought	
9/20/15	Art and Nature in Redwood Park Oakland	EarthCapades for EBMUD	Presentation	Water conservation and drought	
9/20/15 11am-4pm	El Sobrante Chamber of Commerce El Sobrante Stroll	Rolando Gonzalez Jolene Bertetto	Booth	Water conservation rebates and programs	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
9/20/15 10:45am	San Lorenzo 70th Anniversary	Magic Circus for EBMUD	Presentation	Water conservation and drought	
9/19/15 10:30am	Lafayette Chamber of Commerce Art & Wine Festival	Shows That Teach for EBMUD	Presentation	Water conservation and drought	
9/19/15 10am-6pm	Lafayette Chamber of Commerce Art & Wine Festival	Salbra James, Maureen O'Toole, Nanci Miller, Jessica Woodard	Booth	Water conservation and drought response	
9/15/15 7pm	Moraga Parks and Recreation Commission	Charles Bohlig	Presentation	Water conservation and drought	10
9/13/15 12pm	Solano Ave Association Solano Stroll - Berkeley	EarthCapades for EBMUD	Presentation	Water conservation and drought	
9/13/15 TBD	Castro Valley Chamber of Commerce Fall Festival	Magic Circus for EBMUD	Presentation	Water conservation and drought	
9/12-13/15 10am-6pm	Castro Valley Chamber of Commerce Fall Festival	Nanci Miller Salbra James	Booth	Water conservation	
9/12/15 1pm	Close to Home Berkeley	Richard Sykes	Tour	Orinda Water Treatment Plant	20
9/12/15 10am-3pm	Acts of Grace Community Fair Oakland		Booth	Water conservation and drought	
9/12/15 9:30am	Close to Home Berkeley	Dave Freitas	Tour	Wastewater Treatment Plant	20
9/9/15 6pm	Music in the Park Albany	EarthCapades for EBMUD	Presentation	Water conservation and drought	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
9/9/15 10am	Ronn Owens Talk Radio Show KGO 810 AM	Director Coleman	Presentation	Drought update	
9/3/15 9am-10am	Alameda County Emergency Managers Association Oakland	Charles Bohlig	Presentation	Drought management	30
9/1/15	Orinda City Council	Director Young	Presentation	Drought update	
9/1/15 11:30am- 1:30pm	PG&E "Solutions to the Drought" Water Conservation Showcase	Jessica Woodard	Booth	Water conservation	
8/30/15 10am-4pm	Danville Home Expo Danville	Joseph Lerma Dave Wallenstein	Booth	Water conservation measures	500
8/28/15 7:30pm	Movie Night Berkeley	EarthCapades for EBMUD	Presentation	Water conservation and drought	
8/28/15 6pm	Movie Night Castro Valley	Shows That Teach for EBMUD	Presentation	Water conservation and drought	
8/27/15 12pm-2pm	East Bay Economic Development Alliance	Richard Harris	Presentation	"Conservation Tools For Business" panel discussion and presentation, drought tolerant landscapes	
8/22/15 12pm-5pm	Our Power Festival Richmond	Jessica Woodard	Table	Sustainable water practices	
8/20/15 8:15pm	Movie in the Park Orinda	EarthCapades for EBMUD	Presentation	Water conservation and drought	

Date/Time	Group	Speaker/BOD Attendee	Presentation Type	Topics Requested	Estimated Audience
8/20/15 6:15pm	Broadway Plaza Summer Concert Series - Walnut Creek	Magic Circus for EBMUD	Presentation	Water conservation and drought	
8/18/15 6:30-8:30pm	Wagon Wheel Mobile Home Park Castro Valley	Nanci Miller	Presentation	How to save water, check for leaks use submetering	
8/18/15 10am	Laney College - Industrial Maintenance Students	Joe Barge	Tour	Wastewater treatment plant	20
8/13/15 1pm	Camp Awesome Lafayette	Magic Circus for EBMUD	Presentation	Water conservation and drought	
8/12/15 7pm-9pm	Berkeley CERT Meeting	Scott Sommerfeld	Presentation	Drought as a chronic disaster, terrain, landscape, what can be do to conserve for the long term	
8/10/15 9:30am	Federal General Accounting Office	Ben Horenstein, Jackie Kepke	Tour	Wastewater treatment plant	6
8/8/15 5:30pm	Music in the Park Danville	EarthCapades for EBMUD	Presentation	Water conservation and drought	
8/7/15 8pm	Movie Night San Ramon	Shows That Teach for EBMUD	Presentation	Water conservation and drought	
8/5/15 6:30pm	Kiwanis Club Alameda	Charles Bohlig	Presentation	Water conservation	20
8/5/15 2pm	City of San Ramon Mayor Bill Clarkson Meeting	President Mellon	Presentation	EBMUD update	
8/1/15 9am-12pm	"Defeat the Drought" Expo Dublin	Joe Lerma	Booth	Water conservation and recycling	300

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: September 8, 2015

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager ARC

SUBJECT: Monthly Report – August 2015

HIGHLIGHTS

Food waste processing agreement between the District and Waste Management of Alameda County executed August 24, 2015. Under this 10-year agreement, the District will receive commercial source-separated food waste collected by Waste Management in Oakland and delivered to the Main Wastewater Treatment Plant for anaerobic digestion. City of Oakland deliveries are expected to be upwards of 50 tons per day, increasing renewable energy generation and associated revenues. Tip fees are $96/ton with an estimated value of $1.2 million per year. Food waste deliveries from Oakland are scheduled to begin in 2016.

Update on Glen Echo Creek Cellular Concrete Spill. Because an ongoing wastewater leak was identified during Glen Echo Creek monitoring, during August the City of Oakland replaced the sewer pipe in the area and also completed manhole rehabilitation. The City will conduct another round of creek sampling to confirm the absence of sewage in the storm drain system. On August 17 and 20 the District's restoration contractor conducted the field characterization study. Restoration recommendations for each creek segment will be developed for staff review in September and the staff-approved recommendations will be the foundation for the restoration plan that will be proposed to the regulatory agencies. On August 27 staff accompanied the Army Corps of Engineers (COE) to the creek for a site walk and overview of the incident and discussed the permit issues associated with conducting the restoration work. Sampling of the creek showed ammonia levels were negligible indicating the repairs were successful. District staff will continue to monitor water quality in the creek to confirm this conclusion.

Public hearing held to discuss the East Bay Watershed Master Plan update. On August 20, a public meeting was held in the Administration Building to receive comments on the update to the East Bay Watershed Master Plan. Approximately 80 members of the public attended. Nearly all comments pertained to community access to the trail system. An email address was established to receive additional public comment. Staff will provide an update to the Board this fall.

EBMUD has received preliminary approval for an award of $200,000 from the U.S. Bureau of Reclamation to fund a Bay Area Regional Reliability Drought Contingency Plan. $200,000 is the maximum allowed under the Bureau's WaterSMART program. EBMUD submitted the grant application in June on behalf of the eight regional reliability partners. Agency funds, contributed equally by the eight partners, will supplement the Bureau funding.

WATER SUPPLY AND WATER RIGHTS PROGRAMS AND ACTIVITIES

Delivery of transfer water begins. On August 30, the District completed delivering 33,250 acre-feet of CVP water and began delivering transfer water. Staff has been coordinating with the U.S. Bureau of Reclamation and obtained approval to increase delivery at Freeport to 90 MGD as of September 1. Staff plans to bring Folsom South Canal water into Walnut Creek Water Treatment Plant in September and San Pablo Water Treatment Plant is scheduled to come into service in October. Staff plans to complete the delivery of 24,668 acre-feet of transfer water to the East Bay by mid-December.

The Lower Mokelumne River Spawning and Rearing Habitat Improvement Project took place in the Mokelumne River Day Use Area from August 17-28, 2015. Approximately 3,000 cubic yards of coarse gravel was added to the river to improve spawning habitat for Chinook salmon and steelhead. In addition to providing optimal spawning habitat, the inclusion of a 0.2 acre seasonal floodplain will provide additional rearing habitat for juvenile salmonids.

Precipitation. The East Bay precipitation for August was 0.03 inches (43% of average) and the season total was 0.07 inches (78% of average). The Mokelumne precipitation for August was 0.08 inches (30% of average) and the season total was 0.53 inches (104% of average).

Releases from Camanche Reservoir. The average rate of Camanche release for August was 228 cfs (7 cfs generation, 205 cfs sluice, and 16 cfs through the hatchery), and the average flow below Woodbridge Dam was 23 cfs, both in accordance with the Joint Settlement Agreement "Critically Dry" criteria.

Mokelumne reservoirs storage is 52% of average. As of August 31, 2015, Pardee was at 551.0 feet or 87% of average, and Camanche was at 171.7 feet or 29% of average. Combined Pardee and Camanche reservoir storage was 245,000 AF compared to 304,000 AF last year.

Releases from East Bay Reservoirs. There were no East Bay reservoir releases in August.

East Bay reservoirs storage is 92% of average. As of August 31, 2015, USL was at 452.6 feet or 115% of average, San Pablo was at 283.2 feet or 63% of average, and Briones was at 565.6 feet or 98% of average. Total terminal reservoir storage was 114,000 AF compared to 112,000 AF last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for August 2015 was 94 MGD. Moraga RWPP (FSCC operation) pumped a total of 1,850 MG at an average of 60 MGD to refill USL Reservoir. Walnut Creek and Briones Raw Water Pumping Plants remained out of service.

Water Production. Average rate of gross water production for August.

	August 2015	August 2014	August 2013	Average of FY 2005-2007
East of Hills	52 MGD	69 MGD	83 MGD	99 MGD
West of Hills	117 MGD	132 MGD	148 MGD	181 MGD
Total	169 MGD	201 MGD	231 MGD	280 MGD
Max Day Production	186 MGD (8/17/2015)	227 MGD (8/1/2014)	248 MGD (8/19/2013)	

Note: Data are all from preliminary daily operational reports and are subject to revision

CUSTOMER EVENTS AND PUBLIC OUTREACH

Alameda-North Bay Farm Island Pipeline Crossings Project. On August 18, staff met with City of Oakland public works staff to brief them on the Alameda-North Bay Farm Island Pipeline Crossings Project for which the District is preparing an Environmental Impact Report (EIR). The EIR schedule was discussed and Oakland's staff asked questions about community outreach, traffic impacts and paving requirements related to the pipeline installation. Staff explained how potential impacts will be addressed in the EIR and the public outreach process. The Notice of Preparation was published August 20 and the comment period will end September 21. Informational meetings will occur in Alameda on September 1 and in Oakland on September 10. The District's website summarizes the project and schedule and provides access to documents.

Water theft ordinance implementation update: Staff began alerting customers to the new water theft ordinance in April, effective on May 28, 2015. In August, six customers (or occupants) were mailed first-time violation notices for water theft. A total of 47 water theft notices for first-time violations have been mailed since May; four appeals were received and denied at the first level and two denied at the second level of the appeal process. A third second-level appeal is pending.

Going Batty 2015 occurred August 8. Staff led the 23 participants to a site below the Carson Creek spillway along Pardee Reservoir, where a local volunteer docent and bat enthusiast provided an interpretive presentation and answered questions about the featured flying mammals.

Contract Equity Outreach Events.

On August 4, the Western Regional Minority Supplier Development Council hosted its *37th Annual Minority Business Opportunity Expo* in Santa Clara. Staff met one-on-one with minority small businesses during scheduled sessions and disseminated information on the Contract Equity Program, upcoming contract opportunities and the small business incentives. Approximately 400 participants were in attendance.

On August 12, Associated General Contractors of California. Staff attended the Second Annual Title VI and Title VII Economic Empowerment Summit in Sacramento.

On August 20, the California Hispanic Chambers of Commerce annual convention in Sacramento, California. Staff met one-on-one with minority small businesses during scheduled sessions and disseminated information on the Contract Equity Program, upcoming contract opportunities and the small business incentives. Over 500 participants attended the convention.

Water Conservation Outreach Events.

On August 1, staff hosted a table at the "Defeat the Drought Water Expo" at the Residential Recycled Water Fill Station in Dublin. Information was provided on current drought conditions and restrictions, water supply, rebates, conservation programs, and saving water. Congressman Eric Swalwell and approximately 300 members of the public attended.

On August 10, staff hosted three officials from the U.S. Government Accountability Office. The purpose of the visit was to gather information on water and energy efficiency technologies. The guests were given a tour of resource recovery facilities and the meter shop, and heard presentations on water supply, drought measures, pipeline replacement and automated meters.

On August 12, staff presented at the Berkeley Community Emergency Response Team (CERT) training program. The presentation focused on water conservation best management practices and practical ways to make the landscape resistant to drought. The audience consisted of approximately 35emergency preparedness volunteers from Berkeley.

On August 15, staff spoke at a program presented by the Mason Oakland Durant Rockridge Lodge No. 188 honoring Enoch and George Pardee. The talk focused on George Pardee's role is securing a high quality reliable water supply for the East Bay and the importance of water conservation programs to ensure reliability today. The program was attended by approximately 40 Mason Lodge members.

On August 27, staff gave a presentation at an East Bay Economic Development Alliance committee meeting in Oakland. The meeting was focused on water challenges for businesses and the staff's presentation was entitled "Conservation Tools for Business" and provided information on EBMUD's services and incentives provided to the commercial, industrial, and institutional sector. Approximately 40 community business leaders attended.

CAPITAL IMPROVEMENTS AND FACIILTY MAINTENANCE

San Ramon Valley recycled water retrofits accelerated. Staff is working with consultants, District service yards, the City of San Ramon, and multiple customers to prioritize and accelerate design and construction of customer site conversions to allow for recycled water service in the vicinity of Bishop Ranch. These sites include some major water irrigation users such as San Ramon's Central and Coyote Crossing Parks, Iron Horse Middle School, and the former AT&T campus at Bishop Ranch.

Camanche launch ramps and drought. Due to low lake levels, low-water launch ramp #2 is out of service, leaving South Shore without launch capability. For the first time in decades, a third low-water launch ramp that normally rests underneath 40 to 60 feet of water is now exposed at Camanche South Shore. With some planned minor repairs, the launch will be in service by Labor Day weekend.

Mi-Wuk Village site protection continues as Camanche Reservoir levels drop. Mi-Wuk tribe representatives continue to partner with District staff to document and protect a culturally sensitive Native American village site from erosion. Coconut fabric blankets have been applied to stabilize the exposed soils on the site to provide coverage down to the water line.

Paving. Staff completed pavement restoration on Parker Street in Berkeley. This curb-to-curb restoration was fast-tracked to minimize inconvenience to the public. Staff also restored pavement at a major break on Calmar Avenue in Oakland.

Pipeline. District received the permit to start work on a cluster of streets in the Lake Merritt area in Oakland. The project included the installation of 2655 feet of 6-inch PVC on Merritt Avenue, 1160 feet of 8-inch steel water pipe on Cleveland Street and 3005 feet of 8-inch steel water pipe on Brooklyn Avenue.

Work to startup San Pablo Water Treatment Plant is nearing completion. Significant progress continues to be made by staff who are working collaboratively to ready the plant for service by October 2015. On August 18, the San Pablo Tunnel was successfully flushed for a second time and the flushing included operation of the sedimentation basin and pretreatment processes. Testing of various plant equipment and control systems continues, and a number of issues were resolved including repair and isolation of the wash water line, hydrostatic testing of the filters, replacement of filter control valves and actuators, and purchase of a new precast decant pump system to recycle water from the reclaim basin back to the inlet of the plant.

Completed successful test on Walnut Creek Raw Water Pumping Plant No. 3. Staff replaced motor control and protection hardware at the four 3,500hp motor pumping units. This work involved replacing 15 protective relays per unit with new multifunction protective relays. Related work included retrofit of pump bearings, motor bearings, and motor temperature monitoring with new controls. Staff successfully completed startup testing of the new protection and control system on August 12. This project required close coordination and teamwork. The electrical safety improvements in this project improve the District's ability to safely operate this important pumping plant and dramatically reduce the quantity of electrical protection/control devices required for future maintenance.

Renovations of Pardee Recreational Vehicle (RV) Park began. Demolition and clearing started with the removal of shade structures, underground utilities and concrete parking slabs. Installation of a new sewer system is proceeding and new water, power and telecommunications distribution systems will follow. New RV sites with park amenities are scheduled to be available for park users in mid-February 2016 when the Pardee Recreation Area re-opens for the season.

Staff and consultants met with Division of Safety of Dams (DSOD) on August 18 to discuss design and construction elements of the Chabot Dam Seismic Upgrade project. Some of the issues discussed and resolved included the appropriate strength of the cement deep mixing walls, the size of the walls, and drainage features. The issues will be incorporated in the 90 percent design package that will be submitted to DSOD for their review and approval in October.

Dingee Pipeline and Claremont Center Aqueducts (Oakland) replacement work continues. At the Claremont Center, work on the Dingee pipeline surge tanks process piping was completed. Restoration work at the Claremont Center and punchlist work throughout the project areas continued. Paving of Roble Road, Chabot Road and Brookside Road were completed. A cost-sharing agreement was reached with the City of Oakland for paving on Roble Road. The City of Berkley opted out of sharing in the cost of pavement restoration and will perform remaining pavement improvements on Roble Road later. Replacement of concrete pavement panels on Broadway Terrace was agreed upon with the City of Oakland and is scheduled for September.

An increase to the Digester Upgrade Phase 2 Project (SD 319) consultant design services agreement of $470,000 is required to support digester-related process improvements. On February 10, 2009, the Board of Directors authorized the original agreement with Brown and Caldwell (BC) for $1,896,370. On May 10, 2011, the Board authorized a contract amendment to increase the agreement to $2,439,370. On March 27, 2012, the Board authorized a second contract amendment to increase the agreement to $3,136,486. These prior cost increases were required for BC to provide design support during the construction phase for a significant number of submittal reviews, requests for information, and change orders submitted by the contract. This cost increase ($470,000, 15%) will increase the agreement cost ceiling to $3,606,486 and is required to complete design of digester gas management system improvements and provide review of digester feed and withdrawal modifications to be designed by staff. The modifications are required to support implementation of the food waste program, which requires dedicated digestion and integration of a new compressed natural gas production system with the existing Power Generation Station. BC has the extensive knowledge and understanding regarding the current digester gas management system needed to design the required complex modifications.

WATER AND WASTEWATER SYSTEM OPERATIONS

Lower Mokelumne water quality acceptable for upcoming salmon return despite drought. Staff continually tracks water quality conditions in Camanche Reservoir and adjusts operations to ensure a sufficient cold water pool exists for the October and November salmon run. Nearly 35,000 acre-feet of cold water remains in storage in Pardee Reservoir.

San Leandro recycled water project. On August 17, staff met with the City of San Leandro to discuss options for recycled water. Near-term options discussed included a commercial truck fill station that will be in service soon and plans for a future residential fill station if the drought continues. Long-term options discussed include upgrading to tertiary treatment at the plant to allow for unrestricted use of recycled water and potentially studying an indirect reuse option. Staff also discussed plans to work with the City to amend the existing supply agreement.

Emeryville Shellmound-Christie recycled water pipeline work. A Notice to Commence Field Work to install approximately one mile of 12-inch steel and PVC recycled water pipeline along Shellmound Street and Christie Avenue in Emeryville was issued to the contractor. Construction will start this fall. Staff held a coordination meeting with the City of Emeryville on August 18.

All authorized discharges from the Main Wastewater Treatment Plant were in compliance with the permit limits for the month of August. This is the 192nd consecutive month (16 years) that the Main Wastewater Treatment Plant experienced no exceedances.

Three odor complaints were received at the MWWTP during this reporting period; all were from locations somewhat removed from the plant. Investigation into two of the complaints concluded that the plant was not the source of the odor. The investigation into the third complaint was inconclusive with there being no identified odor cause but wind direction consistent with the plant as a potential source. Staff is working to identify and better understand possible odor sources in the vicinity of the complaint.

The District continues to negotiate food waste preprocessing agreements with Harvest Power and Recology to expand the Resource Recovery Program. Harvest Power would provide preprocessing services to remove contaminants from Oakland food waste so it is suitable for anaerobic digestion and partner with the District to obtain other organics sources. Recology would deliver preprocessed organics from municipal solid waste from San Francisco for anaerobic digestion. Staff expects to bring both Harvest and Recology contracts to the Board for consideration this fall.

August main breaks. The attached table lists the main breaks that were repaired by staff in August, sorted by city and street. The associated map shows the locations of the breaks geographically.

ORGANIZATIONAL EFFECTIVENESS AND EFFICIENCY

Staff responds to an upcountry fire. The fire occurred on August 6, just north of the Camanche Power Plant in San Joaquin County. The fire was caused by a bird arcing power lines and was contained to just over two acres by Cal Fire, Clements Fire and District firefighters.

Business Recovery Managers Association (BRMA). On August 27, District staff and Business Recovery Managers Association (BRMA) hosted a joint meeting of the BRMA members and FBI InfraGard and table top exercise. The primary purpose of the meeting was to conduct a cybersecurity exercise, to increase understanding of cyber-related risks and identify improvements to individual company response. There were over 70 attendees.

Staff organized high-density polyethylene pipe (HDPE) construction inspection training from August 5 - 12. The training provided staff with guidance and knowledge for inspecting HDPE pipeline installations.

Industrial Maintenance Internship Program. On August 27 the District, in partnership with Laney College and the Peralta Colleges Foundation, welcomed three interns for the Industrial Maintenance Internship Program. For 15 weeks this fall, the interns will receive training while shadowing and assisting machining and maintenance crews. It is anticipated that the interns (along with other candidates from the public) will apply for the upcoming Plant Maintenance Worker II and Machining Maintenance Worker II positions scheduled to open November 2015.

Tuition Reimbursement

	August 2015	FY16 Total
# of Employees	19	46
# of Classes	21	56
Total Reimbursed	$11,533	$42,046

Employment Information

	August 2015	FY16 Total
Retirements – Regular	8	15
Retirements – Vested	0	1
Hires	26	46
Other Separations	12	23

FINANCIAL NEWS

There were no contracts over $70,000 and less than $100,000 approved by the General Manager in August 2015.

The Net Mokelumne Power Revenue for August was $166,178, vs the $414,560 planned. Inflows into Pardee Reservoir for August were 99 percent of plan and generation was 41 percent of plan, with Pardee Reservoir volume decreasing over the month. Renewable power and related Renewable Energy Credits (RECs) were sold to Marin Clean Energy under the Power Purchase Agreement. The average electricity price was $38/MWh. REC revenue for August was $32,600. Total net revenue for FY16 is $450,448 which is 22.5 percent of planned $2,000,000 and 12.9 percent of the budgeted $3,500,000.

FY16	Net Revenue		Inflow (Acre Feet)	
	Plan	Actual	Plan	Actual
July-15	$539,180	$284,270	17,100	17,221
Aug-15	$414,560	**$166,178**	17,100	**17,018**
FY16 YTD Total	$953,740	**$450,448**	34,200	**34,239**

Bold items are estimated

Plant book activity for August 2015. Twenty-four books were sold in August 2015 increasing number of total plant books sold 36,697. Total revenues as a percentage of out-of-pocket book design and production cost is at 99%. Plant book activity will be reported quarterly in the future.

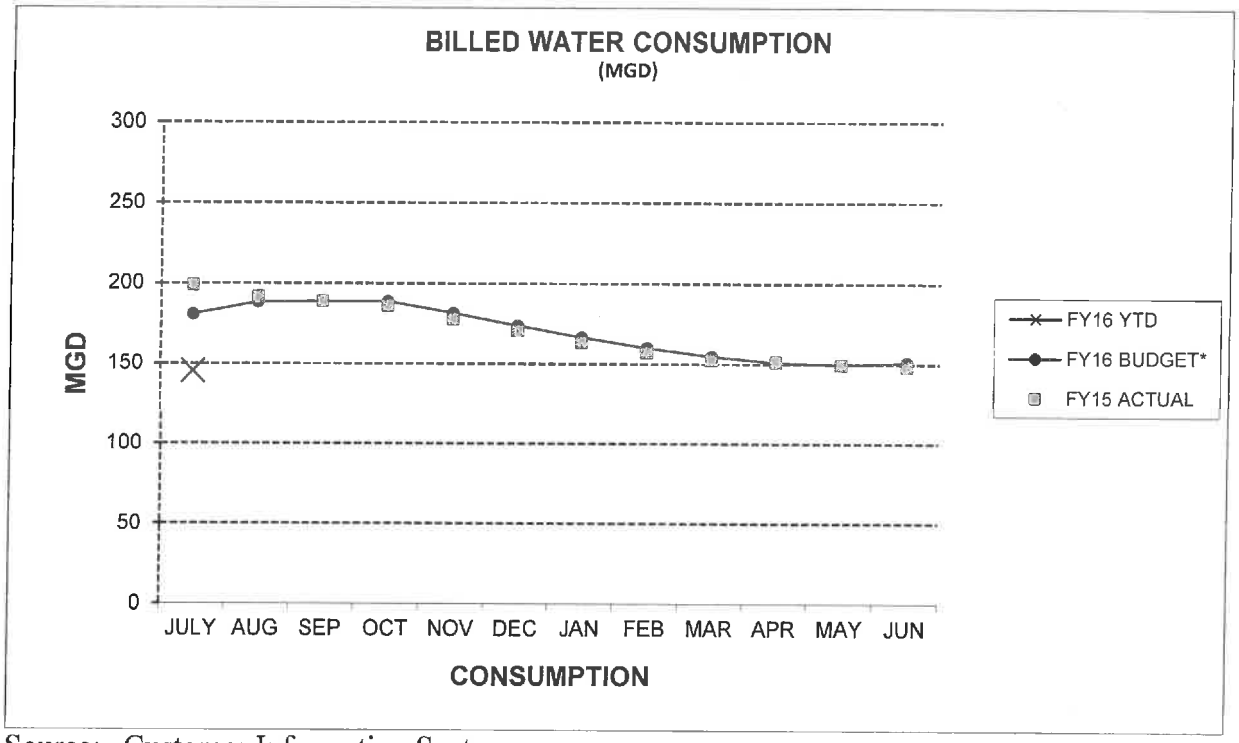
Water Sales. The following consumption information is the average water consumption in million gallons per day (MGD) for each period specified. Overall actual billed water consumption for FY16 through July 2015 was 145.4 MGD. The table below breaks out this information by customer class with a comparison to FY15. The budgeted average daily water consumption budget for FY16 is 151 MGD; under the Stage 4 drought, the average daily water consumption is estimated to be 138 MGD.

Year To Date Actual Billed Water Consumption		
Usage Type	**FY16 (MGD)**	**FY15 (MGD)**
Residential	68.8	102.3
Commercial	52.1	69.2
Industrial	17.8	17.5
Public Authority	6.7	9.6
Total Billed Water Consumption	**145.4**	**198.6**

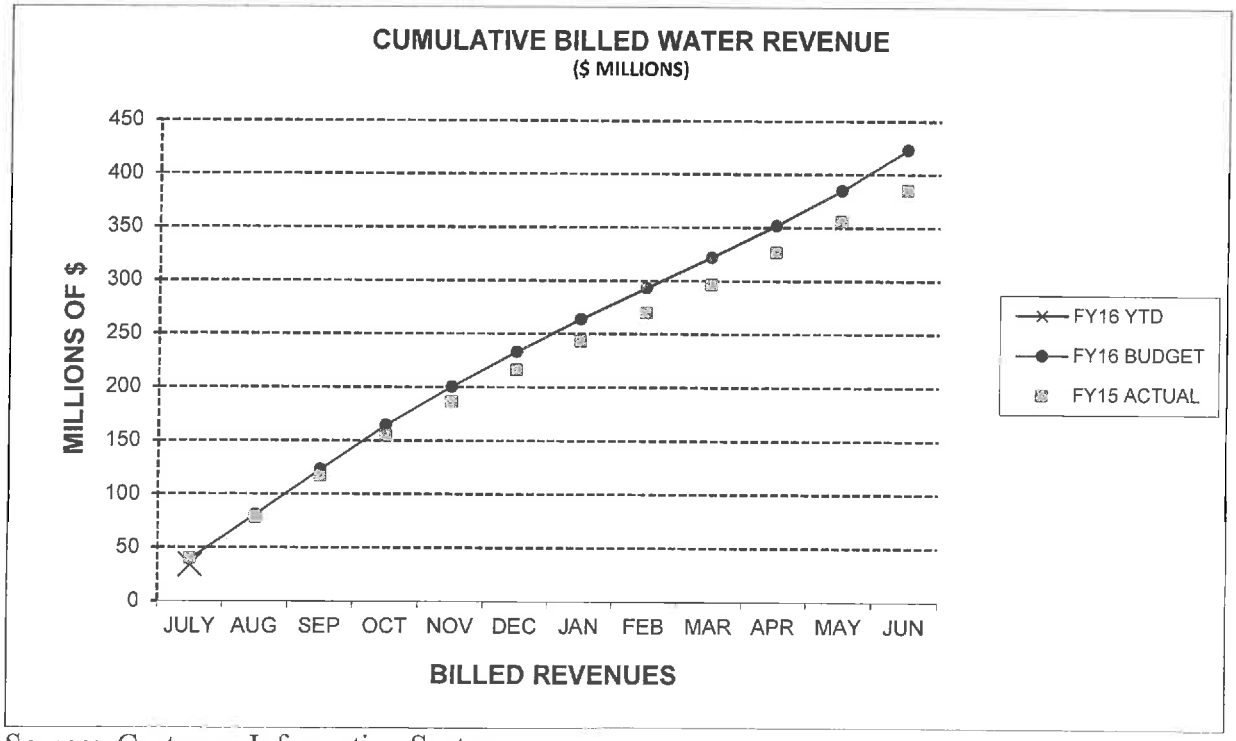
Water revenues billed for the fiscal year through July were $33.6 million, or 14.9% less than the FY15 revenue for July of $39.5 million which reflects the net impact of lower consumption and the prorated 8% rate increase and the 25% Stage 4 Drought surcharge for services provided and billed starting July 1, 2015. Actual water revenues through July are down $4.7 million or 12.3% compared to the budgeted water revenue.

Year to Date Billed Water Revenue		
Usage Type	**FY16 Actual Revenue ($ M)**	**FY16 Budgeted* Revenue Seasonally Adjusted ($ M)**
Normal Water Revenue	$31.9	$38.3
Drought Surcharge Revenue	$1.7	
Drought Excessive Use Penalty Revenue	$0.0	
Total Billed Water Revenue	**$33.6**	**$38.3**

*Based on the budgeted annual water sales of 151 MGD



Source: Customer Information System
*Stage 4 Drought Annual Consumption Estimated at 138 MGD



Source: Customer Information System

AUGUST 2015 MAIN BREAKS

City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMEDA		ATLANTIC	AVE	ASBESTOS CEMENT	8.00	1941	17280	8/3/2015	8/6/2015	Y
ALAMO		ALAMO	WAY	ASBESTOS CEMENT	6.00	1969	5760	8/21/2015	8/22/2015	Y
ALAMO		ANGELA	AVE	ASBESTOS CEMENT	6.00	1959	1800	8/3/2015	8/3/2015	Y
ALAMO		ANGELA	AVE	ASBESTOS CEMENT	6.00	1959	2880	8/14/2015	8/15/2015	Y
ALAMO		BROOKDALE	CT	ASBESTOS CEMENT	6.00	1962	2700	8/3/2015	8/3/2015	Y
ALAMO		DANVILLE	BL	CAST IRON	10.00	1931	6750	8/12/2015	8/12/2015	Y
ALAMO		STONE VALLEY	WAY	ASBESTOS CEMENT	6.00	1980	2700	8/8/2015	8/8/2015	Y
ALAMO		SUGARLOAF	DR	ASBESTOS CEMENT	6.00	1984	1800	8/4/2015	8/4/2015	Y
BERKELEY		8TH	ST	CAST IRON	6.00	1940	1350	8/31/2015	8/31/2015	Y
BERKELEY		EUCLID	AVE	CAST IRON	6.00	1950	6750	8/24/2015	8/24/2015	Y
BERKELEY		FAIRVIEW	ST	CAST IRON	6.00	1949	25920	8/19/2015	8/24/2015	Y
BERKELEY		SAN ANTONIO	AVE	CAST IRON	6.00	1929	4500	8/11/2015	8/11/2015	Y
BERKELEY		SAN JUAN	AVE	CAST IRON	6.00	1931	10080	7/28/2015	8/3/2015	Y
BERKELEY		SAN MIGUEL	AVE	CAST IRON	6.00	1940	0	8/17/2015	8/19/2015	Y
BERKELEY		SAN PABLO	AVE	CAST IRON	6.00	1940	1350	8/25/2015	8/25/2015	Y
CASTRO VALLEY		ALMOND	RD	CAST IRON	8.00	1953	0	8/18/2015	8/26/2015	Y
CASTRO VALLEY		REDWOOD	RD	ASBESTOS CEMENT	12.00	1953	5760	8/28/2015	8/29/2015	Y
CASTRO VALLEY		SOMERSET	AVE	CAST IRON	12.00	1955	7200	8/2/2015	8/6/2015	Y
CROCKETT		WINSLOW	ST	ASBESTOS CEMENT	6.00	1954	2880	8/12/2015	8/13/2015	Y
DANVILLE		MONTEGO	DR	ASBESTOS CEMENT	6.00	1956	1350	8/4/2015	8/4/2015	Y
DANVILLE		PODVA	RD	ASBESTOS CEMENT	8.00	1957	0	7/30/2015	8/4/2015	Y
DANVILLE		RICHARD	LN	ASBESTOS CEMENT	6.00	1966	22500	8/15/2015	8/15/2015	Y
EL CERRITO		ELM	ST	CAST IRON	4.00	1934	18000	8/1/2015	8/1/2015	Y
EL CERRITO		FAIRVIEW	DR	CAST IRON	6.00	1948	5760	8/11/2015	8/12/2015	Y
EL CERRITO		JORDAN	AVE	CAST IRON	6.00	1928	2250	8/25/2015	8/25/2015	Y
EL CERRITO		LIBERTY	ST	CAST IRON	6.00	1938	11520	8/19/2015	8/26/2015	Y
EL CERRITO		SAN PABLO	AVE	CAST IRON	6.00	1959	28800	8/29/2015	8/30/2015	Y
EL CERRITO		TULARE	AVE	CAST IRON	6.00	1940	9000	8/12/2015	8/12/2015	Y
EL SOBRANTE		BURGESS	WAY	ASBESTOS CEMENT	6.00	1957	450	8/30/2015	8/31/2015	Y

AUGUST 2015 MAIN BREAKS

City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
EL SOBRANTE		GARDEN	LN	STEEL	6.00	1956	2700	8/24/2015	8/24/2015	Y
KENSINGTON		COVENTRY	RD	CAST IRON	6.00	1939	0	7/28/2015	8/3/2015	Y
LAFAYETTE		LAS TRAMPAS	RD	ASBESTOS CEMENT	6.00	1958	4320	8/1/2015	8/3/2015	Y
LAFAYETTE		MORECROFT	RD	ASBESTOS CEMENT	8.00	1965	8640	8/11/2015	8/13/2015	Y
LAFAYETTE		MT DIABLO	CT	ASBESTOS CEMENT	6.00	1985	2250	8/28/2015	8/29/2015	Y
LAFAYETTE		TILDEN	LN	ASBESTOS CEMENT	6.00	1954	180	8/5/2015	8/5/2015	Y
LAFAYETTE		WARWICK	CT	ASBESTOS CEMENT	6.00	1960	1800	8/25/2015	8/25/2015	Y
LAFAYETTE		WOODBOROUGH	RD	ASBESTOS CEMENT	6.00	1989	57600	8/29/2015	8/30/2015	Y
MORAGA		JOSEFA	PL	ASBESTOS CEMENT	6.00	1984	2700	8/25/2015	8/25/2015	Y
MORAGA		LARCH	AVE	ASBESTOS CEMENT	8.00	1958	18000	8/2/2015	8/2/2015	Y
MORAGA		SCOFIELD	DR	ASBESTOS CEMENT	6.00	1957	90	8/20/2015	8/20/2015	Y
OAKLAND		8TH	ST	ASBESTOS CEMENT	8.00	1958	0	8/6/2015	8/27/2015	Y
OAKLAND		10TH	AVE	CAST IRON	6.00	1940	18000	8/16/2015	8/16/2015	Y
OAKLAND	E	24TH	ST	CAST IRON	6.00	1929	1800	8/14/2015	8/14/2015	Y
OAKLAND		34TH	AVE	CAST IRON	4.00	1932	450	8/17/2015	8/17/2015	Y
OAKLAND		37TH	ST	CAST IRON	6.00	1927	900	8/25/2015	8/25/2015	Y
OAKLAND		41ST	AVE	CAST IRON	6.00	1948	4500	8/29/2015	8/29/2015	Y
OAKLAND		49TH	AVE	CAST IRON	6.00	1932	0	8/18/2015	8/24/2015	Y
OAKLAND		91ST	AVE	CAST IRON	4.00	1934	4500	8/25/2015	8/26/2015	Y
OAKLAND		5TH	ST	CAST IRON	18.00	1916	0	7/22/2015	8/3/2015	N
OAKLAND		BUELL	ST	CAST IRON	6.00	1931	900	8/7/2015	8/7/2015	Y
OAKLAND		CHAPMAN	ST	CAST IRON	6.00	1910	7200	8/10/2015	8/14/2015	Y
OAKLAND		COLTON	BL	CAST IRON	6.00	1925	20160	8/2/2015	8/3/2015	Y
OAKLAND		COOLIDGE	AVE	CAST IRON	6.00	1931	64800	8/13/2015	8/22/2015	N
OAKLAND		CREED	RD	CAST IRON	6.00	1925	5400	8/7/2015	8/7/2015	Y
OAKLAND		E	ST	CAST IRON	4.00	1911	17280	8/22/2015	8/24/2015	Y
OAKLAND		EASTMAN	AVE	CAST IRON	6.00	1937	11520	8/16/2015	8/19/2015	Y
OAKLAND		ELM	ST	CAST IRON	6.00	1938	9000	8/14/2015	8/14/2015	Y
OAKLAND		HADDON	RD	CAST IRON	6.00	1925	450	8/17/2015	8/17/2015	Y

AUGUST 2015 MAIN BREAKS

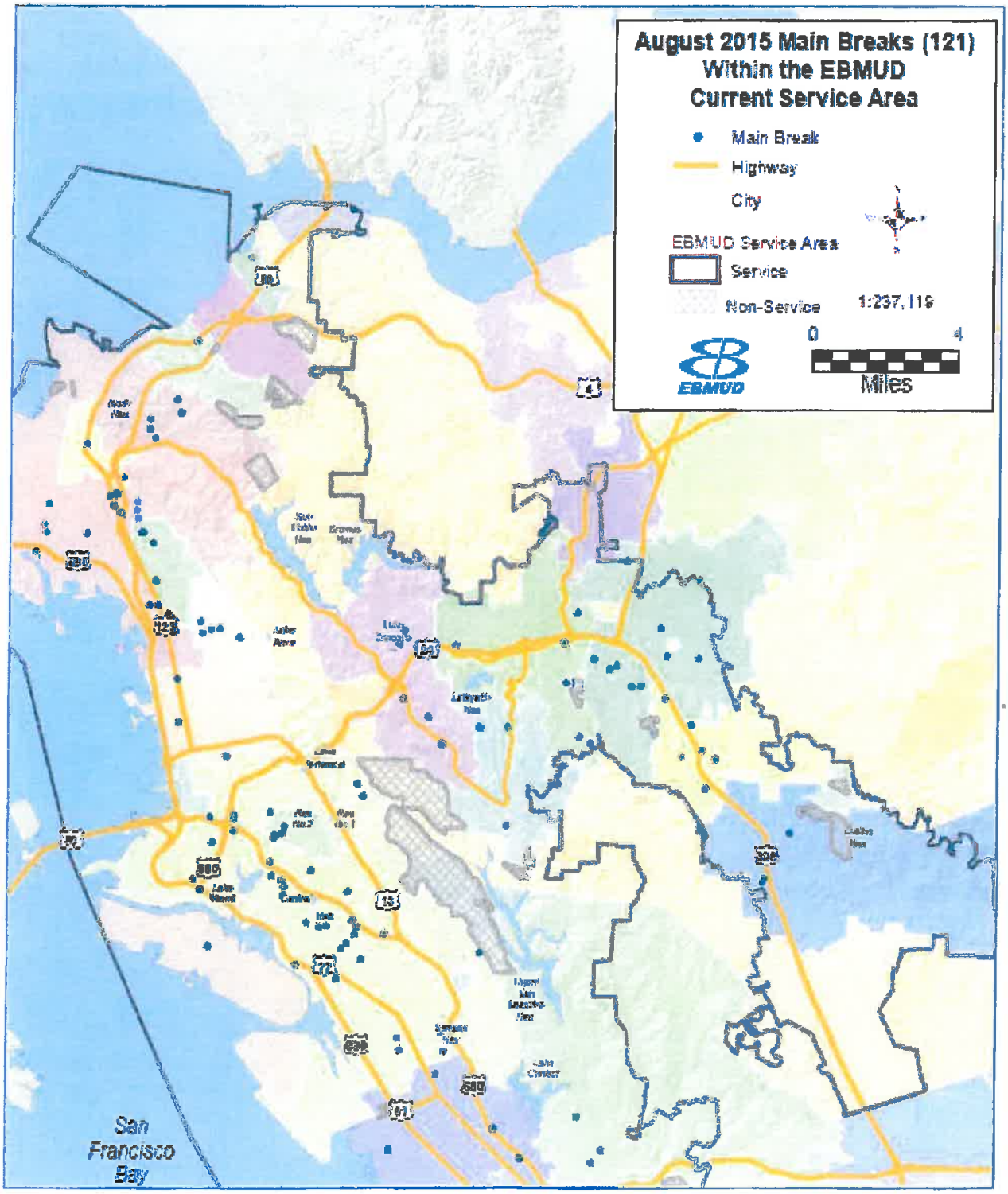
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
OAKLAND		LOGAN	ST	CAST IRON	4.00	1926	9000	8/17/2015	8/17/2015	Y
OAKLAND		LYON	AVE	CAST IRON	6.00	1923	86400	6/13/2015	8/11/2015	N
OAKLAND		MCKINLEY	AVE	CAST IRON	6.00	1974	9000	8/21/2015	8/21/2015	Y
OAKLAND		MCKINLEY	AVE	CAST IRON	6.00	1949	45000	8/22/2015	8/22/2015	Y
OAKLAND		PLEASANT VAL	CT	ASBESTOS CEMENT	6.00	1965	6750	8/28/2015	8/28/2015	Y
OAKLAND		RAWSON	ST	CAST IRON	4.00	1935	4500	8/9/2015	8/10/2015	Y
OAKLAND		SAN PABLO	AVE	CAST IRON	8.00	1966	45000	8/25/2015	8/25/2015	Y
OAKLAND		SKYLINE	BL	CAST IRON	8.00	1953	14400	8/26/2015	8/26/2015	Y
OAKLAND		SUTER	ST	CAST IRON	6.00	1937	4320	8/3/2015	8/5/2015	Y
OAKLAND		SUTER	ST	CAST IRON	6.00	1938	15840	8/21/2015	8/31/2015	N
OAKLAND		TAYLOR	AVE	CAST IRON	4.00	1948	900	8/17/2015	8/17/2015	Y
OAKLAND		TELEGRAPH	AVE	CAST IRON	4.00	1940	1440	8/25/2015	8/25/2015	Y
OAKLAND		TELEGRAPH	AVE	CAST IRON	6.00	1940	1440	8/20/2015	8/20/2015	Y
OAKLAND		VOLTAIRE	AVE	ASBESTOS CEMENT	8.00	1961	1080	8/3/2015	8/3/2015	Y
OAKLAND		WICKSON	AVE	CAST IRON	6.00	1941	9000	8/17/2015	8/18/2015	Y
OAKLAND		WOODHAVEN	WAY	CAST IRON	6.00	1939	4500	8/5/2015	8/6/2015	Y
ORINDA	E	ALTARINDA	DR	ASBESTOS CEMENT	8.00	1955	9000	8/26/2015	8/26/2015	Y
ORINDA		CAMINO ENCINAS		CAST IRON	4.00	1934	9000	8/9/2015	8/9/2015	Y
ORINDA		CAMINO ENCINAS		CAST IRON	4.00	1934	4500	8/11/2015	8/11/2015	Y
ORINDA		CRESTVIEW	DR	CAST IRON	4.00	1942	0	8/12/2015	8/17/2015	Y
ORINDA		LA ESPIRAL		CAST IRON	6.00	1938	27000	8/29/2015	8/29/2015	Y
ORINDA		LAS AROMAS		STEEL	16.00	1954	10080	8/6/2015	8/12/2015	Y
ORINDA		VALLEY	DR	ASBESTOS CEMENT	6.00	1969	11520	8/18/2015	8/21/2015	Y
ORINDA		VIDA DESCANSADA		ASBESTOS CEMENT	4.00	1961	1350	8/20/2015	8/20/2015	Y
PIEDMONT		DALE	AVE	CAST IRON	6.00	1952	10260	8/23/2015	8/25/2015	Y
PIEDMONT		GRAND	AVE	CAST IRON	6.00	1938	4500	8/1/2015	8/1/2015	Y
PIEDMONT		GRAND	AVE	CAST IRON	6.00	1938	1350	8/1/2015	8/1/2015	Y
PIEDMONT		SAN CARLOS	AVE	CAST IRON	6.00	1938	4500	8/14/2015	8/14/2015	Y
PINOLE		FERNANDEZ	AVE	ASBESTOS CEMENT	4.00	1959	630	8/2/2015	8/2/2015	Y

AUGUST 2015 MAIN BREAKS

City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
RICHMOND		6TH	ST	CAST IRON	6.00	1931	0	8/11/2015	8/11/2015	Y
RICHMOND		CHANSLOR	AVE	CAST IRON	10.00	1925	11520	8/12/2015	8/19/2015	Y
RICHMOND		CLINTON	AVE	CAST IRON	6.00	1930	90000	8/1/2015	8/1/2015	Y
RICHMOND		CUTTING	BL	CAST IRON	6.00	1941	0	8/21/2015	8/27/2015	Y
RICHMOND		EL CENTRO	RD	CAST IRON	4.00	1940	450	8/13/2015	8/13/2015	Y
RICHMOND		EL CENTRO	RD	CAST IRON	6.00	1946	0	8/18/2015	8/18/2015	Y
RICHMOND		GROVE	ST	CAST IRON	6.00	1931	22500	8/24/2015	8/25/2015	Y
RICHMOND		MACDONALD	AVE	CAST IRON	6.00	1935	9000	8/10/2015	8/10/2015	Y
RICHMOND		MANOR	RD	CAST IRON	6.00	1942	450	8/10/2015	8/10/2015	Y
RICHMOND		MCBRYDE	AVE	CAST IRON	6.00	1936	4500	8/13/2015	8/14/2015	Y
RICHMOND		MCBRYDE	AVE	ASBESTOS CEMENT	6.00	1957	2250	8/15/2015	8/16/2015	Y
RICHMOND		MCBRYDE	AVE	CAST IRON	4.00	1933	2250	8/25/2015	8/25/2015	Y
RICHMOND		ROSALIND	AVE	CAST IRON	4.00	1951	3600	8/17/2015	8/18/2015	Y
RICHMOND		SANTA CLARA	ST	ASBESTOS CEMENT	6.00	1959	3600	8/25/2015	8/26/2015	Y
RICHMOND		SONOMA	ST	CAST IRON	6.00	1952	9000	8/11/2015	8/11/2015	Y
RICHMOND		SONOMA	ST	CAST IRON	6.00	1951	9000	8/17/2015	8/17/2015	Y
RICHMOND		WILSON	AVE	CAST IRON	4.00	1933	4500	8/12/2015	8/12/2015	Y
RODEO		MARIPOSA	ST	CAST IRON	4.00	1939	18000	8/26/2015	8/26/2015	Y
SAN LEANDRO		BARROW	ST	CAST IRON	6.00	1951	9000	8/10/2015	8/10/2015	Y
SAN LEANDRO		GEORGIA	WAY	CAST IRON	6.00	1941	7200	8/9/2015	8/13/2015	Y
SAN LEANDRO		MAUBERT	AVE	CAST IRON	6.00	1937	5760	8/27/2015	8/28/2015	Y
SAN LEANDRO		PLACER	DR	CAST IRON	6.00	1949	0	8/27/2015	8/31/2015	Y
SAN PABLO		RIVERSIDE	AVE	STEEL	12.00	1959	900	8/10/2015	8/10/2015	Y
SAN PABLO		STONE	AVE	CAST IRON	6.00	1940	2880	8/5/2015	8/5/2015	Y
SAN RAMON		BELLO	CT	ASBESTOS CEMENT	6.00	1975	1350	8/13/2015	8/13/2015	Y
WALNUT CREEK		ACACIA	RD	CAST IRON	6.00	1945	8640	8/25/2015	8/26/2015	Y
WALNUT CREEK		BALL	RD	ASBESTOS CEMENT	6.00	1973	1350	8/18/2015	8/19/2015	Y
WALNUT CREEK		GEARY	RD	STEEL	12.00	1963	10080	8/12/2015	8/18/2015	Y

AUGUST 2015 MAIN BREAKS

City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
WALNUT CREEK		GLENHAVEN	AVE	ASBESTOS CEMENT	6.00	1960	8640	8/15/2015	8/20/2015	Y
WALNUT CREEK	W	HOLLY	DR	ASBESTOS CEMENT	6.00	1957	10080	7/29/2015	8/4/2015	Y
WALNUT CREEK		JULIANNE	CT	ASBESTOS CEMENT	6.00	1959	1800	8/26/2015	8/26/2015	Y
WALNUT CREEK		OLYMPIC	BL	CAST IRON	6.00	1933	4500	8/22/2015	8/22/2015	Y
WALNUT CREEK		OLYMPIC	BL	NON METALLIC/PLASTIC	8.00	1933	1800	8/23/2015	8/24/2015	Y
WALNUT CREEK		SAN MIGUEL	DR	ASBESTOS CEMENT	8.00	1959	7200	8/2/2015	8/6/2015	Y
						Total	**1096290**			


August 2015 Main Breaks (121)
Within the EBMUD
Current Service Area
Main Break
Highway
City
EBMUD Service Area
Service
Non-Service
1:237,119
0
4
Miles
EBMUD
San
Francisco
Bay

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: September 3, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager ARC

FROM: Lynelle M. Lewis, Secretary of the District

SUBJECT: Planning Committee Minutes – August 11, 2015

Chair Lesa R. McIntosh called to order the Planning Committee in the Training Resource Center at 9:15 a.m. Directors Doug Linney and Marguerite Young were present at roll call. Staff present included: General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Wastewater Bennett K. Horenstein, Director of Operations and Maintenance Michael J. Wallis, Environmental Affairs Officer Douglas I. Wallace, Senior Civil Engineer Linda H. Hu, Manager of Wastewater Environmental Services Jacqueline T. Zipkin, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Recycled Water Update. Senior Civil Engineer Linda H. Hu presented an update on recent recycled water project activities. These projects include expansion of the distribution systems in the San Ramon Valley and East Bayshore recycled water projects, expansion of the recycled water commercial truck program, and start-up of a pilot residential recycled water fill station. Ms. Hu reported that construction began in June 2015 for pipeline expansion into the Bishop Ranch business park and surrounding area in San Ramon and will be completed by June 2016. Construction will begin later this summer/early fall for pipeline extension in Emeryville and will be completed by late spring/early summer next year. Recycled water will primarily be used for landscape irrigation which will offset the use of potable water.

In addition to existing fill stations in West Oakland and North Richmond, commercial truck fill stations were installed for construction activities at the Oakland International Airport and the Faria Reserve Project in San Ramon. Staff is targeting to have a new commercial fill station at the City of San Leandro's plant by late August. Additionally, staff is working toward starting up the pilot residential fill station at Point Isabel in Richmond to allow residents to pick up recycled water for watering their yards. The proposed plan is to truck tertiary recycled water from the East Bayshore plant located at the Main Wastewater Treatment Plant (MWWTP) and store the recycled water at Point Isabel. Staff evaluated other potential sites in Lafayette and Alameda, but no suitable locations were identified. If drought conditions persist, EBMUD will continue to expand the commercial truck program and evaluate new residential fill locations in 2016.

There was considerable discussion by the Committee regarding the pros and cons of the pilot residential fill station at Point Isabel in Richmond. Questions arose regarding the economics of the project, the carbon footprint of trucking water, and traffic control at the fill station. Following the discussion, the Committee recommended delaying further work on this pilot based on current facility limitations and environmental impacts. Staff will provide an information memo advising the Board of this recommendation.

Food Waste Update. Manager of Wastewater Environmental Services Jacqueline T. Zipkin presented an update on negotiations with Recology for delivery of pre-processed urban organics from San Francisco. Recology will be focusing on routes primarily made up of multi-family buildings, whose trash is rich in food scraps. This project requires installation of an organics extrusion press to separate organics from trash at Recology's site in San Francisco as well as a polisher system to remove contaminants at the main wastewater treatment plant. Recology has secured a $3 million grant from CalRecycle to support the purchase of the press and polisher systems. Key contract negotiating points include material quantity, associated tipping fees and contract term. To better understand the nature of the material, available quantities and processing costs, the District and Recology plan to begin the project with a pilot period. Staff anticipates bringing the contract with Recology to the Board for consideration in September.

FY15 Emergency Preparedness and Business Continuity Readiness. Manager of Business Continuity Julia R. Halsne summarized the District's readiness and the accomplishments in FY15 in mitigating risk and preparing for responding to a disaster or emergency. She reported that staff updated eight business continuity plans, revised the Emergency Operation Plan and 16 other supporting and event-specific response plans, provided 2,168 student hours of employee training, conducted or participated in 42 exercises, tests and drills, and completed an industrial control system vulnerability assessment. Staff also participated in six emergency preparedness fairs to educate customers and employees and coordinated preparedness efforts with other utilities.

The District continued to update message templates, distribution lists and protocols for distribution of emergency notification messages. In addition, discussions regarding the use and implementation of social media during emergencies took place and a social media policy was ratified by the Board. In response to recent emergencies (e.g., the Glen Echo Creek response and the Napa earthquake), the District reviewed key procedures and processes regarding mutual assistance and incident command. Communication, coordination and reporting improvements have been made.

In FY16, in addition to routine program management activities, the District will review and update key plans and conduct tests, exercises and training. The District continues to invest in cost-effective business continuity planning and emergency preparedness, and to look for ways to manage costs. Ms. Halsne reported that staff will continue to report annually on our emergency preparedness and business continuity programs and these initiatives. The Committee raised no questions.

Adjournment. Chair McIntosh adjourned the meeting at 10:25 a.m.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: September 3, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager ARC

FROM: Lynelle M. Lewis, Secretary of the District

SUBJECT: Legislative/Human Resources Committee Minutes – August 11, 2015

Chair John A. Coleman called to order the Legislative/Human Resources Committee at 10:30 a.m. in the Training Resource Center. Director Lesa R. McIntosh was present at roll call and Director William B. Patterson arrived at 10:34 a.m. Staff present included: General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Manager of Legislative Affairs Marlaigne K. Dumaine, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Legislative Report. Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the following recommended positions in Legislative Report No. 08-15: SUPPORT AB 723 (Rendon) – Rental Property: Plumbing Fixtures: Replacement; SUPPORT SB 7 (Wolk) Housing: Water Meters: Multiunit Structures; SUPPORT SB 32 (Pavley) California Global Warming Solutions Act of 2006: Emissions Limit; and SUPPORT SB 551 (Wolk) State Water Policy: Water and Energy Efficiency. It was moved by Director McIntosh, seconded by Director Patterson, and carried (3-0) to approve the staff recommended positions in the Legislative Report.

Next Ms. Dumaine reported that Senators Dianne Feinstein and Barbara Boxer introduced the California Emergency Drought Relief Act, a bill with provisions designed to help communities cope with the ongoing drought. She said staff will be reviewing the legislation and will provide an update to the Board in September. Ms. Dumaine also reported that a potential statewide ballot initiative on pension reform proposes to impose restrictions on pension plans. The Committee asked about potential fiscal impacts on the District and its ratepayers. Chair Coleman asked for a status update on a proposed initiative that would require voter approval on projects over a certain dollar amount. Ms. Dumaine said that staff would provide additional information on both of the proposed initiatives as it becomes available.

Adjournment. Chair Coleman adjourned the meeting at 10:45 a.m.

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