

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 2902**

To provide for long-term water supplies, optimal use of existing water supply infrastructure, and protection of existing water rights.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by \_\_\_\_\_

Viz:

1 Beginning on page 4, strike line 7 and all that follows

2 through page 13, line 5, and insert the following:

3 **SEC. 101. RESERVOIR OPERATION IMPROVEMENT.**

4 (a) DEFINITIONS.—In this section:

5 (1) OPERATIONAL DOCUMENT.—The term

6 “operational document” includes a water control

7 plan, water control manual, water control diagram,

8 release schedule, rule curve, operational agreement

9 with a non-Federal entity, and any associated envi-

10 ronmental documentation.

11 (2) RESERVED WORKS.—The term “reserved

12 works” means any Bureau of Reclamation project

1 facility at which the Secretary of the Interior carries  
2 out the operation and maintenance of the project fa-  
3 cility.

4 (3) SECRETARY.—The term “Secretary” means  
5 the Secretary of the Army.

6 (4) TRANSFERRED WORKS.—The term “trans-  
7 ferred works” means a Bureau of Reclamation  
8 project facility, the operation and maintenance of  
9 which is carried out by a non-Federal entity, under  
10 the provisions of a formal operation and mainte-  
11 nance transfer contract.

12 (5) TRANSFERRED WORKS OPERATING ENTI-  
13 TY.—The term “transferred works operating entity”  
14 means the organization that is contractually respon-  
15 sible for operation and maintenance of transferred  
16 works.

17 (b) REPORT.—Not later than 1 year after the date  
18 of enactment of this Act, the Secretary shall submit to  
19 the Committee on Environment and Public Works of the  
20 Senate and the Committee on Transportation and Infra-  
21 structure of the House of Representatives a report includ-  
22 ing, for any State in which a county designated by the  
23 Secretary of Agriculture as a drought disaster area during  
24 water year 2015 is located, a list of projects, including  
25 Corps of Engineers projects, and those non-Federal

1 projects and transferred works that are operated for flood  
2 control in accordance with rules prescribed by the Sec-  
3 retary pursuant to section 7 of the Act of December 22,  
4 1944 (commonly known as the “Flood Control Act of  
5 1944”) (58 Stat. 890, chapter 665), including, as applica-  
6 ble—

7 (1) the year the original operational documents  
8 were approved;

9 (2) the year for any subsequent revisions to the  
10 operational documents;

11 (3) a list of projects for which—

12 (A) operational deviations for drought con-  
13 tingency have been requested;

14 (B) the status of the request; and

15 (C) a description of how water conserva-  
16 tion and water quality improvements were ad-  
17 dressed; and

18 (4) a list of projects for which permanent or  
19 seasonal changes to flood control capacity have been  
20 requested, and the status of the request.

21 (c) IDENTIFICATION OF ELIGIBLE PROJECTS.—Not  
22 later than 60 days after the date of completion of the re-  
23 port under subsection (b), the Secretary shall identify any  
24 projects described in the report—

1           (1) for which the modification of the oper-  
2           ational document, including flood control rule curve,  
3           would be likely to enhance existing authorized  
4           project purposes;

5           (2) for which the operational documents and  
6           hydrometeorological information establishing the  
7           flood control rule curves of the project have not been  
8           substantially revised during the 15-year period end-  
9           ing on the date of review by the Secretary; and

10          (3) for which individuals or entities responsible  
11          for operations and maintenance costs or that have  
12          storage entitlements or contracts at a Corps of En-  
13          gineers project, the owner of a non-Federal project,  
14          or the non-Federal transferred works operating enti-  
15          ty, as applicable, has submitted to the Secretary a  
16          written request to revise operational documents, in-  
17          cluding flood control rule curves, based on the use  
18          of improved weather forecasting or run-off fore-  
19          casting methods, new watershed data, changes to  
20          project operations, or structural improvements.

21          (d) PILOT PROJECTS.—

22           (1) IN GENERAL.—Not later than 1 year after  
23           the date of identification of projects under sub-  
24           section (c), if any, the Secretary shall carry out not  
25           less than 15 pilot projects, which shall include not

1 less than 6 non-Federal projects, to implement revi-  
2 sions of operational documents, including flood con-  
3 trol rule curves, based on the best available science,  
4 which may include—

5 (A) forecast-informed operations;

6 (B) new watershed data, including data  
7 submitted by a non-Federal applicant; and

8 (C) if applicable, in the case of non-Fed-  
9 eral projects, structural improvements.

10 (2) CONSULTATION.—In implementing a pilot  
11 project under this subsection, the Secretary shall  
12 consult with all affected interests, including—

13 (A) entities responsible for operations and  
14 maintenance costs of a Federal facility;

15 (B) individuals and entities with storage  
16 entitlements;

17 (C) a Federal power management agency  
18 that markets power produced by a facility; and

19 (D) local agencies with flood control re-  
20 sponsibilities downstream of a facility.

21 (e) COORDINATION WITH NON-FEDERAL PROJECT  
22 ENTITIES.—If a project identified under subsection (c)  
23 is—

1           (1) a non-Federal project, the Secretary, prior  
2 to carrying out an activity under this section,  
3 shall—

4           (A) consult with the non-Federal project  
5 owner; and

6           (B) enter into a cooperative agreement,  
7 memorandum of understanding, or other agree-  
8 ment with the non-Federal project owner de-  
9 scribing the scope and goals of the activity and  
10 the coordination among the parties; and

11          (2) a Federal project, the Secretary, prior to  
12 carrying out an activity under this section, shall—

13           (A) consult with each Federal and non-  
14 Federal entity (including a municipal water dis-  
15 trict, irrigation district, joint powers authority,  
16 transferred works operating entity, or other  
17 local governmental entity) that currently—

18           (i) manages (in whole or in part) the  
19 Federal dam or reservoir; or

20           (ii) is responsible for operations and  
21 maintenance costs; and

22           (B) enter into a cooperative agreement,  
23 memorandum of understanding, or other agree-  
24 ment with each such entity describing the scope

1           and goals of the activity and the coordination  
2           among the parties.

3           (f) CONSIDERATION.—In designing and imple-  
4           menting a forecast-informed reservoir operations plan  
5           under subsection (d) or subsection (g), the Secretary may  
6           consult with the appropriate agencies within the Depart-  
7           ment of the Interior and the Department of Commerce  
8           with expertise in atmospheric, meteorological, and hydro-  
9           logic science to consider—

10           (1) the relationship between ocean and atmos-  
11           pheric conditions, including—

12                   (A) the El Niño and La Niña cycles; and

13                   (B) the potential for above-normal, normal,  
14                   and below-normal rainfall for the coming water  
15                   year, including consideration of atmospheric  
16                   river forecasts;

17           (2) the precipitation and runoff index specific  
18           to the basin and watershed of the relevant dam or  
19           reservoir, including incorporating knowledge of  
20           hydrological and meteorological conditions that influ-  
21           ence the timing and quantity of runoff;

22           (3) improved hydrologic forecasting for precipi-  
23           tation, snowpack, and soil moisture conditions;

1           (4) an adjustment of operational flood control  
2 rule curves to optimize authorized project purposes,  
3 without a reduction in flood safety; and

4           (5) proactive management in response to  
5 changes in forecasts.

6           (g) FUNDING.—

7           (1) IN GENERAL.—The Secretary may accept  
8 and expend amounts from entities described in sub-  
9 section (d)(2), the owners of non-Federal projects  
10 regulated for flood control by the Secretary, and  
11 public or private entities holding contracts with the  
12 Federal Government for water storage or water sup-  
13 ply at Federal projects to fund all or a portion of  
14 the cost of carrying out a review or revision of oper-  
15 ational documents for—

16                   (A) a Corps of Engineers project;

17                   (B) a non-Federal project regulated for  
18 flood control by the Secretary; or

19                   (C) a Bureau of Reclamation facility regu-  
20 lated for flood control by the Secretary.

21           (2) INCLUSION.—Funds received from entities  
22 under paragraph (1) may include amounts provided  
23 by non-Federal entities through agreements, part-  
24 nerships, or joint ventures with public or private  
25 nonprofit entities or Indian tribes.



1           (3) IN-KIND CONTRIBUTIONS.—The Secretary  
2           may accept and use materials and services contrib-  
3           uted by a entity under this paragraph and credit the  
4           value of the materials and services toward the cost  
5           of carrying out a review or revisions of operational  
6           documents.

7           (h) EFFECT.—

8           (1) MANUAL REVISIONS.—A revision of an  
9           operational document shall not reduce the water  
10          supply available for any authorized purposes of a  
11          Federal project or the existing purposes of a non-  
12          Federal project regulated for flood control by the  
13          Secretary.

14          (2) EFFECT OF SECTION.—

15               (A) Nothing in this section authorizes the  
16               Secretary to carry out, at a Federal dam or res-  
17               ervoir, any project or activity for a purpose not  
18               otherwise authorized as of the date of enact-  
19               ment of this Act.

20               (B) Nothing in this section affects or  
21               modifies any obligation of the Secretary under  
22               State law.

23               (C) Nothing in this section affects or modi-  
24               fies any obligation to comply with any applica-  
25               ble Federal law.

1 (3) APPLICATION.—

2 (A) CERTAIN FACILITIES.—This section  
3 applies only to a facility located in a State in  
4 which a Bureau of Reclamation project is lo-  
5 cated.

6 (B) CERTAIN PROJECTS EXCLUDED.—This  
7 section shall not apply to—

8 (i) any project authorized by the Act  
9 of December 31, 1928 (43 U.S.C. 617 et  
10 seq.) (commonly known as the “Boulder  
11 Canyon Project Act”); or

12 (ii) the initial units of the Colorado  
13 River Storage Project, as authorized by the  
14 first section of the Act of April 11, 1956  
15 (43 U.S.C. 620) (commonly known as the  
16 “Colorado River Storage Project Act”).

17 (C) BUREAU OF RECLAMATION RESERVED  
18 WORKS EXCLUDED.—This section—

19 (i) shall not apply to any dam or res-  
20 ervoir operated by the Bureau of Reclama-  
21 tion as a reserved work, unless all non-  
22 Federal project sponsors of a reserved  
23 work jointly provide to the Secretary a  
24 written request for application of this sec-  
25 tion to the project; and

1 (ii) shall apply only to Bureau of Rec-  
2 lamation transferred works at the written  
3 request of the transferred works operating  
4 entity.

5 (i) PRIOR STUDIES.—In carrying out subsections (b),  
6 (c), and (d), to the maximum extent practicable, the Sec-  
7 retary shall—

8 (1) coordinate with the efforts of the Secretary  
9 to complete the reports required under subpara-  
10 graphs (A)(iii) and (B) of subsection (a)(2) of sec-  
11 tion 1046 of the Water Resources Reform and De-  
12 velopment Act of 2014 (33 U.S.C. 2319 note, 128  
13 Stat. 1251); and

14 (2) consider the findings of the reports de-  
15 scribed in paragraph (1) if the reports are available  
16 prior to carrying out subsections (b), (c), and (d).

17 (j) MODIFICATIONS TO MANUALS AND CURVES.—  
18 Not later than 180 days after the date of completion of  
19 a modification to an operational document, the Secretary  
20 shall submit to the Committees on Environment and Pub-  
21 lic Works and Energy and Natural Resources of the Sen-  
22 ate and the Committees on Transportation and Infrastruc-  
23 ture and Natural Resources of the House of Representa-  
24 tives a report regarding the components of the forecast-

1 based reservoir operations plan incorporated into the  
2 change.

3 Beginning on page 19, line 24, strike “shall—” and  
4 all that follows through “(1) fund” on page 20, line 1,  
5 and insert “shall fund”.

6 On page 20, line 7, strike the semicolon at the end  
7 and insert a period.

8 Beginning on page 20, strike line 8 and all that fol-  
9 lows through page 21, line 3.

10 On page 22, line 7, strike “\$10,000,000” and insert  
11 “\$8,000,000”.

12 Beginning on page 102, strike line 22 and all that  
13 follows through page 103, line 5, and insert the following:  
14 water right beyond any applicable limitations under  
15 State water law; or  
16 (4) the modification of the terms and conditions

17 On page 107, line 15, strike “\$35,000,000” and in-  
18 sert “\$30,900,000”.

1        On page 108, line 3, strike “\$35,000,000” and insert  
2 “\$30,900,000”.

3        On page 108, line 6, strike “\$35,000,000” and insert  
4 “\$30,900,000”.

5        On page 110, line 1, strike “\$35,000,000” and insert  
6 “\$30,900,000”.

7        On page 124, line 7, strike “75” and insert “65”.

8        On page 124, line 15, strike “75” and insert “65”.