

AMENDMENT TO H.R. 2898
OFFERED BY MR. COSTA OF CALIFORNIA

Page 91, after line 25, insert the following:

1 **SEC. 611. RESERVOIR OPERATION IMPROVEMENT.**

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

8 (1) A list of Army Corps of Engineers projects
9 and non-Federal projects operated for flood control
10 in accordance with rules prescribed by the Secretary
11 of the Army pursuant to section 7 of the Act of De-
12 cember 22, 1944 (commonly known as the “Flood
13 Control Act of 1944”) (58 Stat. 890, chapter 665)).

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

16 (3) The year for any subsequent revisions to
17 the water control plan and manual of the project.

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

1 (5) How water conservation and water quality
2 improvements were addressed.

3 (6) A list of projects for which permanent
4 changes to storage allocations have been requested,
5 and the status of the request.

6 (b) PROJECT IDENTIFICATION.—Not later than 60
7 days after the date of completion of the report under sub-
8 section (a), the Secretary of the Army shall identify any
9 projects described in the report that meet the following
10 criteria:

11 (1) The project is located in a State in which
12 a drought emergency has been declared or was in ef-
13 fect during the 1-year period preceding the date of
14 final review by the Secretary.

15 (2) The water control manual and
16 hydrometeorological information establishing the
17 flood control rule curves of the project have not been
18 substantially revised during the 20-year period end-
19 ing on the date of review by the Secretary.

20 (3) The non-Federal sponsor or sponsors of an
21 Army Corps of Engineers project have jointly sub-
22 mitted to the Secretary of the Army a formal re-
23 quest to revise water operations manuals, including
24 flood control rule curves, based on the use of im-
25 proved weather forecasting or run-off forecasting

1 methods, new watershed data, or changes to project
2 operations, for the project is likely to enhance the
3 existing authorized project purposes for water supply
4 storage capacity and reliability and flood control op-
5 erations.

6 (c) ADDITIONAL PROJECTS IDENTIFIED.—Not later
7 than 60 days after the date of completion of the report
8 under paragraphs (1) and (2) of subsection (a), the Sec-
9 retary of the Army shall identify any non-federal projects
10 that meet—

11 (1) the criteria in subsection (b); and

12 (2) the following 2 criteria:

13 (A) The owner of the non-Federal project
14 has submitted to the Secretary of the Army a
15 formal request to review or revise the oper-
16 ations manual or flood control rule curves to ac-
17 commodate new watershed data or projected
18 project modifications or operational changes.

19 (B) The modifications or operational
20 changes proposed by the owner of the non-Fed-
21 eral project are likely to enhance water supply
22 benefits and flood control operations.

23 (d) PILOT PROJECTS.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of identification of the projects under sub-

1 sections (b) and (c), if any, the Secretary of the
2 Army shall carry out not more than 5 pilot projects,
3 including at least 2 non-Federal projects (within the
4 meaning of subsection (a)(1)) (if any are identified
5 under subsection (b) or (c)), to implement revisions
6 of water operations manuals, including flood control
7 rule curves, based on the best available science,
8 which may include—

- 9 (A) forecast-informed operations;
10 (B) new watershed data; and
11 (C) if applicable, in the case of non-Fed-
12 eral projects, structural improvements.

13 (2) CONSULTATION.—In implementing the pilot
14 projects pursuant to this subsection, the Secretary of
15 the Army shall consult with all affected interests, in-
16 cluding non-Federal entities responsible for oper-
17 ations and maintenance costs of an Army Corps of
18 Engineers facility, individuals and entities with stor-
19 age entitlements, and local agencies with flood con-
20 trol responsibilities downstream of an Army Corps of
21 Engineers facility.

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

1 (1) a non-Federal project, the Secretary of the
2 Army, prior to carrying out an activity under this
3 section, 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) owned and operated by the Army Corps of
12 Engineers, the Secretary of the Army, prior to car-
13 rying out an activity under this section, shall—

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

18 (i) manages (in whole or in part) an
19 Army Corps of Engineers dam or reservoir;
20 or

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

23 (B) enter into a cooperative agreement,
24 memorandum of understanding, or other agree-
25 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, the
5 Secretary of the Army may consider—

6 (1) the relationship between ocean and atmos-
7 pheric conditions, including the El Nino and La
8 Nina cycles, and the potential for above-normal, nor-
9 mal, and below-normal rainfall for the coming water
10 year, including consideration of atmospheric river
11 forecasts;

12 (2) the precipitation and runoff index specific
13 to the basin and watershed of the relevant dam or
14 reservoir, including incorporating knowledge of
15 hydrological and meteorological conditions that influ-
16 ence the timing and quantity of runoff;

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

19 (4) an adjustment of operational flood control
20 rule curves to optimize water supply storage and re-
21 liability, hydropower production, environmental bene-
22 fits for flows and temperature, and other authorized
23 project benefits, without a reduction in flood safety;
24 and

1 (5) proactive management in response to
2 changes in forecasts.

3 (g) FUNDING.—In general, the Secretary of the Army
4 may accept non-Federal funds for all or a portion of the
5 cost of carrying out a review or revision of water control
6 manuals and flood control rule curves for Army Corps of
7 Engineers projects and non-Federal projects regulated for
8 flood control by the Secretary of the Army.

9 (h) EFFECT.—

10 (1) MANUAL REVISIONS.—A revision of a man-
11 ual shall not interfere with the authorized purposes
12 of an Army Corps of Engineers project or the exist-
13 ing purposes of non-Federal projects regulated for
14 flood control by the Secretary of the Army.

15 (2) EFFECT OF ACT.—

16 (A) Nothing in this Act authorizes the Sec-
17 retary of the Army to carry out, at an Army
18 Corps of Engineers or non-Federal dam or res-
19 ervoir, any project or activity for a purpose not
20 otherwise authorized as of the date of enact-
21 ment of this Act.

22 (B) Nothing in this section affects or
23 modifies any obligation of the Secretary of the
24 Army under state law.

1 (3) BUREAU OF RECLAMATION PROJECTS EX-
2 CLUDED.—This section shall not apply to any dam
3 or reservoir owned by the Bureau of Reclamation.

4 (i) MODIFICATIONS TO MANUALS AND CURVES.—Not
5 later than 180 days after the date of completion of a modi-
6 fication to an operations manual or flood control rule
7 curve, the Secretary of the Army shall submit to Congress
8 a report regarding the components of the forecast-based
9 reservoir operations plan incorporated into the change.

