

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 215  
OFFERED BY MR. MCCLINTOCK OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Working to Advance  
3 Tangible and Effective Reforms for California Act” or the  
4 “WATER for California”.

**5 SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.  
Sec. 3. Definitions.

TITLE I—CVP AND SWP OPERATIONS

Sec. 101. Operation of the CVP and SWP.  
Sec. 102. Operations and reviews.  
Sec. 103. Application of State laws.  
Sec. 104. Reconsultation of NOAA biological opinion and FWS biological opinion.  
Sec. 105. Sunset.  
Sec. 106. Consultation on coordinated operations.

TITLE II—ALLOCATIONS FOR SACRAMENTO VALLEY  
CONTRACTORS

Sec. 201. Definitions.  
Sec. 202. Allocations of water.  
Sec. 203. Protection of refuge, municipal and industrial, and other contractors.  
Sec. 204. Other contractors.

TITLE III—INFRASTRUCTURE

Sec. 301. Shasta reservoir enlargement project.  
Sec. 302. Water supply plan; projects.  
Sec. 303. Conservation fish hatcheries.

- Sec. 304. Storage; duration.
- Sec. 305. Shasta dam enlargement.

TITLE IV—CVPIA ACTIONS

- Sec. 401. CVPIA restoration actions.

TITLE V—WATER SUPPLY PERMITTING COORDINATION ACT

- Sec. 501. Short title.
- Sec. 502. Definitions.
- Sec. 503. Establishment of lead agency and cooperating agencies.
- Sec. 504. Bureau responsibilities.
- Sec. 505. Cooperating agency responsibilities.
- Sec. 506. Funding to process permits.

1 **SEC. 3. DEFINITIONS.**

2 In this Act, the following definitions apply:

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

5 (2) CVP CONTRACTOR.—The term “CVP con-  
6 tractor” means any public water agency, water user  
7 organization, or person that has entered into a con-  
8 tract with the United States for water service from  
9 the CVP, whether in the form of a water service  
10 contract, repayment contract, water rights settle-  
11 ment contract, exchange contract, or refuge con-  
12 tract.

13 (3) FWS BIOLOGICAL OPINION.—The term  
14 “FWS Biological Opinion” means the United States  
15 Fish and Wildlife Service “Biological Opinion for the  
16 Reinitiation of Consultation on the Coordinated Op-  
17 erations of the Central Valley Project and State  
18 Water Project” (Service File No. 08FBTD00–2019–  
19 F–0164) signed on October 21, 2019.

1           (4) NOAA BIOLOGICAL OPINION.—The term  
2           “NOAA Biological Opinion” means the National  
3           Oceanic and Atmospheric Administration Fisheries  
4           “Biological Opinion on the Long-term Operation of  
5           the Central Valley Project and the State Water  
6           Project” (Consultation Tracking Number: WCRO–  
7           2016–00069) signed on October 21, 2019.

8           (5) PREFERRED ALTERNATIVE.—The term  
9           “Preferred Alternative” means the Alternative 1  
10          (Preferred Alternative), as described in the Final  
11          Environmental Impact Statement on the Reinitiation  
12          of Consultation on the Coordinated Long-Term Op-  
13          eration of the Central Valley Project and the State  
14          Water Project, issued by the Bureau of Reclamation,  
15          and dated December 2019.

16          (6) SWP.—The term “SWP” means the Cali-  
17          fornia State Water Project.

18          (7) SWP CONTRACTOR.—The term “SWP con-  
19          tractor” means a public agency that has entered into  
20          a long-term water supply contract with the Cali-  
21          fornia Department of Water Resources for water  
22          service from the SWP.

1                   **TITLE I—CVP AND SWP**  
2                                   **OPERATIONS**

3 **SEC. 101. OPERATION OF THE CVP AND SWP.**

4           (a) CONGRESSIONAL DIRECTION REGARDING CVP  
5 AND SWP OPERATIONS.—The CVP and the SWP shall be  
6 operated, and reporting shall be done, in accordance with  
7 the Preferred Alternative and FWS Biological Opinion  
8 and NOAA Biological Opinion.

9           (b) EXCEPTIONS.—Operation of the CVP and SWP  
10 shall proceed pursuant to subsection (a) of this section,  
11 except:

12                   (1) to the extent changes to operations are un-  
13 dertaken pursuant to one or more agreements, which  
14 are voluntarily entered into, approved, and imple-  
15 mented by CVP contractors, for operations of the  
16 CVP, and SWP contractors, for operations of the  
17 SWP, with all applicable Federal departments and  
18 the State of California, including any agency or  
19 board of the State of California; or

20                   (2) to the extent changes in operations of the  
21 CVP, SWP, or both can be made while improving  
22 the supply of water available to CVP contractors,  
23 SWP contractors, or both.

24           (c) COSTS.—No cost, including water supply, finan-  
25 cial, mitigation-related, or otherwise, associated with the

1 implementation of any agreement under subsection (b)(1)  
2 or the implementation of any reoperation under subsection  
3 (b)(2) shall be imposed by any Federal department or  
4 agency or the State of California, including any agency  
5 or board of the State of California, directly or indirectly  
6 on any CVP contractor, SWP contractor, or any other per-  
7 son or entity, unless such costs are incurred on a voluntary  
8 basis.

9 (d) NO REDIRECTED ADVERSE IMPACTS.—The Sec-  
10 retary of the Interior and Secretary of Commerce shall  
11 not carry out any specific action authorized under the ap-  
12 plicable provisions of this title that would directly or  
13 through State agency action indirectly result in the invol-  
14 untary reduction of water supply to an individual, district,  
15 or agency that has in effect a contract for water with the  
16 SWP or the CVP, including settlement, exchange, and ref-  
17 uge contracts, and Friant Division contracts.

18 (e) ENDANGERED SPECIES ACT.—Notwithstanding  
19 subsection (b), implementation of subsection (a) shall not  
20 conflict with the FWS Biological Opinion and the NOAA  
21 Biological Opinion.

22 (f) NATIVE SPECIES PROTECTION.—The State of  
23 California shall not impose any bag, catch, or size restric-  
24 tion or limit on the take or harvest of striped bass or any  
25 species of black bass, including largemouth bass,

1 smallmouth bass, and spotted bass, that occupy the Sac-  
2 ramento-San Joaquin Rivers Delta or its tributaries.

3 **SEC. 102. OPERATIONS AND REVIEWS.**

4 In carrying out section 101(a), the Secretary of the  
5 Interior and the Secretary of Commerce shall implement  
6 their statutory authorities in a manner that improves  
7 water supply reliability and enables the CVP and SWP  
8 to provide the maximum quantity of water supplies prac-  
9 ticable to CVP agricultural, municipal, and industrial con-  
10 tractors, water service or repayment contractors, water  
11 rights settlement contractors, exchange contractors, ref-  
12 uge contractors, and SWP contractors, in accordance with  
13 the Preferred Alternative, NOAA Biological Opinion, and  
14 FWS Biological Opinion.

15 **SEC. 103. APPLICATION OF STATE LAWS.**

16 (a) REDUCED WATER SUPPLY.—If, as a result of the  
17 application of applicable State law or regulation, the State  
18 of California (including any agency or board of the State  
19 of California) alters operation of the SWP in a manner  
20 that directly or indirectly results in reduced water supply  
21 to the SWP as compared with the water supply available  
22 under the Preferred Alternative, and as a result, CVP  
23 yield is greater than it otherwise would have been under  
24 the Preferred Alternative, then that additional yield shall  
25 be made available to the SWP for delivery to SWP Con-

1 tractors to offset that reduced water supply. If it is nec-  
2 essary to reduce water supplies for any authorized uses  
3 of the CVP or CVP Contractors to make available to the  
4 SWP that additional yield, such reductions shall be ap-  
5 plied proportionately to those authorized uses or CVP con-  
6 tractors that benefit from that increased yield.

7 (b) NO RESTRICTION OF CERTAIN WATER  
8 RIGHTS.—The State of California (including any agency  
9 or board of the State of California) shall not restrict the  
10 exercise of any water right obtained pursuant to State law,  
11 including but not limited to a pre-1914 appropriative right  
12 or riparian right in order to offset any impact resulting  
13 from the implementation of this title on any species af-  
14 fected by operations of the CVP or the SWP.

15 (c) NO INVOLUNTARY WATER REDUCTION.—The  
16 State of California (including any agency or board of the  
17 State of California), the Secretary of the Interior and Sec-  
18 retary of Commerce shall not take any action related to  
19 operation of the CVP or SWP that would directly or indi-  
20 rectly result in the involuntary reduction of water supply  
21 to any CVP agricultural, municipal and industrial con-  
22 tractor, water service or repayment contractor, water  
23 rights settlement contractor, exchange contractor, refuge  
24 contractor or any SWP contractor, as compared to the  
25 water supply available under the Preferred Alternative;

1 and nothing in this section is intended to modify, amend,  
2 or affect any of the rights and obligations of the parties  
3 to such contracts.

4 **SEC. 104. RECONSULTATION OF NOAA BIOLOGICAL OPIN-**  
5 **ION AND FWS BIOLOGICAL OPINION.**

6 (a) REQUIREMENT FOR RECONSULTATION.—

7 (1) REQUIREMENT.—Unless action is taken  
8 pursuant to section 101(b), neither the Secretary of  
9 the Interior, acting through the Commissioner of the  
10 Bureau of Reclamation, nor the Secretary of Com-  
11 merce, or their designees shall commence, complete,  
12 or request reinitiation of consultation on the coordi-  
13 nated long-term operation of the Central Valley  
14 Project and the State Water Project that will result  
15 in changes to or the replacement of the documents  
16 listed in paragraph (2) unless—

17 (A) more than 75 percent of California has  
18 experienced 4 consecutive years of D3 or D4  
19 level drought, as defined by the U.S. Drought  
20 Monitor;

21 (B) the Commissioner of the Bureau of  
22 Reclamation identifies one specific factor or  
23 combination of factors under section 402.16 of  
24 title 50, Code of Federal Regulations; and



1 (C) not fewer than 120 days before offi-  
2 cially commencing or requesting reinitiation, the  
3 Secretary of the Interior notifies the Committee  
4 on Natural Resources of the House of Rep-  
5 resentatives and Committee on Energy and  
6 Natural Resources of the Senate, in writing,  
7 of—

8 (i) the intent to commence or request  
9 reinitiation under this section; and

10 (ii) the detailed justification for the  
11 identification of the specific factor or com-  
12 bination of factors under section 402.16 of  
13 title 50, Code of Federal Regulations, that  
14 was identified to satisfy the requirement in  
15 subparagraph (B).

16 (2) DOCUMENTS.—The documents referred to  
17 in paragraph (1) are the following:

18 (A) The FWS Biological Opinion.

19 (B) The NOAA Biological Opinion.

20 (C) The Record of Decision for the Reiniti-  
21 ation of Consultation on the Coordinated Long-  
22 Term Modified Operations of the Central Valley  
23 Project and State Water Project, signed on  
24 February 18, 2020.

1 (b) APPLICABLE PROCEDURES AND REVIEW.—For  
2 the purposes of this Act, before reinitiating consultation  
3 on the Long-Term Operation of the CVP and SWP, a re-  
4 quest by the Secretary of the Interior, the Secretary of  
5 the Commerce, or any other Federal employee, to reini-  
6 tiate consultation shall be made in writing and considered  
7 a rule under section 551 of title 5, United States Code,  
8 and subject to the requirements of sections 801 through  
9 808 of that title.

10 (c) COOPERATION.—In implementing this section, the  
11 Secretary of the Interior and the Secretary of Commerce  
12 shall comply with requirements included in section 4004  
13 of the Water Infrastructure Improvements for the Nation  
14 Act (Public Law 114–322).

15 (d) EXCLUSION.—Notwithstanding subsection (b), in  
16 implementing this section, section 801(b)(2) of title 5,  
17 United States Code, shall not apply.

18 **SEC. 105. SUNSET.**

19 Sections 101 through 104 shall have no force or ef-  
20 fect on and after the date that is 7 years after the date  
21 of the enactment of this Act.

22 **SEC. 106. CONSULTATION ON COORDINATED OPERATIONS.**

23 The Water Infrastructure Improvements for the Na-  
24 tion Act (Public Law 114–322) is amended—

25 (1) in section 4004(a)—

1 (A) in the matter preceding paragraph (1),  
2 strike “public water agency that contracts” and  
3 insert “contractor”;

4 (B) in paragraph (1), by inserting “or pro-  
5 posed action” after “biological assessment,”;

6 (C) in paragraph (2), by inserting “or pro-  
7 posed action” after “biological assessment,”;

8 (D) by redesignating paragraphs (3)  
9 through (6) as paragraphs (4) through (7), re-  
10 spectively;

11 (E) after paragraph (2), by inserting the  
12 following new paragraph:

13 “(3) receive a copy of the draft proposed action  
14 and have the opportunity to review that document  
15 and provide comment to the action agency, which  
16 comments shall be afforded due consideration during  
17 development;”; and

18 (F) in paragraph (7), as redesignated by  
19 subparagraph (C) of this paragraph—

20 (i) in the matter preceding subpara-  
21 graph (A), by inserting “action agency pro-  
22 poses a proposed action or” before “the  
23 consulting agency”;

1 (ii) in subparagraph (A), by inserting  
2 “proposed action or” before “alternative  
3 will”; and

4 (iii) in subparagraph (B), by striking  
5 “alternative actions” and insert “actions  
6 or alternatives”; and

7 (2) in section 4013, by deleting “section 4004,  
8 which shall expire 10 years after the date of its en-  
9 actment;” and inserting “section 4004, which shall  
10 expire on December 16, 2033;”.

11 **TITLE II—ALLOCATIONS FOR**  
12 **SACRAMENTO VALLEY CON-**  
13 **TRACTORS**

14 **SEC. 201. DEFINITIONS.**

15 In this title, the following definitions apply:

16 (1) The term “existing CVP agricultural water  
17 service or repayment contractor within the Sac-  
18 ramento River Watershed” means any water service  
19 or repayment contractor within the Shasta, Trinity,  
20 or Sacramento River division of the CVP that has  
21 in effect a water service or repayment contract on  
22 the date of enactment of this title that provides  
23 water for irrigation.

24 (2) The terms “Above Normal”, “Below Nor-  
25 mal”, “Dry”, and “Wet”, with respect to a year,

1 have the meanings given those terms in the Sac-  
2 ramento Valley Water Year Type (40–30–30) Index.

3 **SEC. 202. ALLOCATIONS OF WATER.**

4 Subject to section 203, the Secretary of the Interior  
5 shall make every reasonable effort in the operation of the  
6 CVP to allocate water provided for irrigation purposes to  
7 each existing CVP agricultural water service contractor  
8 within the Sacramento River Watershed in accordance  
9 with the following:

10 (1) Not less than 100 percent of the contract  
11 quantity of the existing CVP agricultural water serv-  
12 ice contractor within the Sacramento River Water-  
13 shed in a Wet year.

14 (2) Not less than 100 percent of the contract  
15 quantity of the existing CVP agricultural water serv-  
16 ice contractor within the Sacramento River Water-  
17 shed in an Above Normal year.

18 (3) Not less than 100 percent of the contract  
19 quantity of the existing CVP agricultural water serv-  
20 ice contractor within the Sacramento River Water-  
21 shed in a Below Normal year that is preceded by an  
22 Above Normal or Wet year.

23 (4) Not less than 50 percent of the contract  
24 quantity of the existing CVP agricultural water serv-  
25 ice contractor within the Sacramento River Water-

1 shed in a Dry year that is preceded by a Below Nor-  
2 mal, Above Normal, or Wet year.

3 (5) In any other year not identified in any sub-  
4 sections (a) through (d), not less than twice the allo-  
5 cation percentage to south-of-Delta CVP agricultural  
6 water service contractors, up to 100 percent.

7 **SEC. 203. PROTECTION OF REFUGE, MUNICIPAL AND IN-**  
8 **DUSTRIAL, AND OTHER CONTRACTORS.**

9 Nothing in section 202 shall—

10 (1) adversely affect any protections for the envi-  
11 ronment, including the obligation of the Secretary of  
12 the Interior to make water available to managed  
13 wetlands pursuant to section 3406(d) of the Central  
14 Valley Project Improvement Act (title XXXIV of  
15 Public Law 102–575; 106 Stat. 4722);

16 (2) adversely affect any obligation of the Sec-  
17 retary of the Interior or the Secretary of Commerce  
18 under the FWS Biological Opinion or the NOAA Bi-  
19 ological Opinion;

20 (3) modify any provision of a water service con-  
21 tract that addresses municipal or industrial water  
22 shortage policies of the Secretary of the Interior;

23 (4) affect or limit the authority of the Secretary  
24 of the Interior to adopt or modify municipal and in-  
25 dustrial water shortage policies;

1 (5) constrain, govern, or affect, directly or indi-  
2 rectly, the operations of the American River division  
3 of the CVP or any deliveries from that division or  
4 a unit or facility of that division; or

5 (6) affect any allocation to a CVP municipal or  
6 industrial water service contractor by increasing or  
7 decreasing allocations to the contractor, as compared  
8 to the allocation the contractor would have received  
9 absent section 202.

10 **SEC. 204. OTHER CONTRACTORS.**

11 Nothing in section 202 shall—

12 (1) affect the priority of any individual or entity  
13 with a Sacramento River settlement contract over  
14 water service or repayment contractors;

15 (2) affect the United States ability to deliver  
16 water to the San Joaquin River exchange contrac-  
17 tors from the Sacramento River and the Delta via  
18 the Delta-Mendota Canal or modify or amend the  
19 rights and obligations under the Purchase Contract  
20 between Miller and Lux and the United States and  
21 the Second Amended Exchange Contract between  
22 the United States, Department of the Interior, Bu-  
23 reau of Reclamation and Central California Irriga-  
24 tion District, San Luis Canal Company, Firebaugh  
25 Canal Water District and Columbia Canal Company;

1 (3) affect the allocation of water to Friant divi-  
2 sion contractors of the CVP;

3 (4) result in the involuntary reduction in con-  
4 tract water allocations to individuals or entities with  
5 contracts to receive water from the Friant division;

6 (5) result in the involuntary reduction in water  
7 allocations to refuge contractors; or

8 (6) authorize any actions inconsistent with  
9 State water rights law.

## 10 **TITLE III—INFRASTRUCTURE**

### 11 **SEC. 301. SHASTA RESERVOIR ENLARGEMENT PROJECT.**

12 Section 40902(a)(2) of the Infrastructure Investment  
13 and Jobs Act (Public Law 117–58) is amended—

14 (1) in subparagraph (B)—

15 (A) in the matter preceding clause (i), by  
16 striking “this Act, except for any project for  
17 which—” and inserting “this Act; or”; and

18 (B) by striking clauses (i) and (ii); and

19 (2) in subparagraph (C), by striking “(except  
20 that projects described in clauses (i) and (ii) of sub-  
21 paragraph (B) shall not be eligible)”.

### 22 **SEC. 302. WATER SUPPLY PLAN; PROJECTS.**

23 (a) PLAN.—Not later than 180 days after the date  
24 of the enactment of this Act, the Commissioner of the Bu-



1 reau of Reclamation shall develop a water deficit report,  
2 which shall identify—

3 (1) projected water supply shortages in the  
4 State of California for irrigation water service, mu-  
5 nicipal and industrial water service, water supply for  
6 wildlife refuges supplied by the CVP or the SWP;  
7 and

8 (2) infrastructure projects or actions which, if  
9 taken, would—

10 (A) significantly reduce or eliminate the  
11 projected water supply shortage; or

12 (B) fulfill water allocations consistent with  
13 agricultural, municipal and industrial contrac-  
14 tors, water service or repayment contractors,  
15 water rights settlement contractors, exchange  
16 contractors, and SWP contractors with water  
17 delivery contractors on the CVP and SWP.

18 (b) REPORT TO CONGRESS.—The Commissioner of  
19 the Bureau of Reclamation shall provide a report de-  
20 scribed in subsection (a) to the House Committee on Nat-  
21 ural Resources and the Senate Committee on Energy and  
22 Natural Resources upon its completion.

1 **SEC. 303. CONSERVATION FISH HATCHERIES.**

2 Section 4010(b)(5) of the Water Infrastructure Im-  
3 provements for the Nation Act (Public Law 114–322) is  
4 amended by adding at the end the following:

5 “(D) SEMI-ANNUAL REPORT.—The Sec-  
6 retary of the Interior and the Secretary of  
7 Commerce shall submit to the Committee on  
8 Natural Resources of the House of Representa-  
9 tives and Committee on Energy and Natural  
10 Resources of the Senate semi-annual reports  
11 that detail activities carried out under this  
12 paragraph.”.

13 **SEC. 304. STORAGE; DURATION.**

14 (a) STORAGE.—Section 4007 of the Water Infra-  
15 structure Improvements for the Nation Act (Public Law  
16 114–322) is amended—

17 (1) in subsection (b)(1), by striking “or any  
18 public agency organized pursuant to State law” and  
19 inserting “any public agency organized pursuant to  
20 State law, or any stakeholder”; and

21 (2) in subsection (i), by striking “January 1,  
22 2021” and inserting “January 1, 2028”.

23 (b) DURATION.—Section 4013 of the Water Infra-  
24 structure Improvements for the Nation Act (Public Law  
25 114–322) is amended—

26 (1) in paragraph (1), by striking “and”;

1           (2) by redesignating paragraph (2) as para-  
2           graph (3); and

3           (3) by inserting after paragraph (1) the fol-  
4           lowing:

5           “(2) section 4007, which (except as provided in  
6           paragraph (3)), shall expire on December 31, 2028;  
7           and”.

8   **SEC. 305. SHASTA DAM ENLARGEMENT.**

9           (a) FUNDING.—In accordance with section 4007 of  
10 the Water Infrastructure Improvements for the Nation  
11 Act (Public Law 114–322), and as recommended by the  
12 Secretary in letters dated February 13, 2019; June 22,  
13 2020; and December 3, 2020; funds made available in the  
14 Water and Related Resources account for the Bureau of  
15 Reclamation in Acts of appropriation for fiscal years 2017,  
16 2018, 2019, 2020, and 2021 shall be made available to  
17 the Shasta Dam and Reservoir Enlargement Project.

18           (b) CLARIFICATION.—No provision of State law shall  
19 preclude or otherwise prevent any public water agency, in-  
20 cluding a public agency of the State, that contracts for  
21 the delivery of CVP water from assisting or cooperating  
22 with, whether by loan, grant, license, or otherwise, the  
23 planning and construction of any project undertaken by  
24 the Bureau of Reclamation to enlarge Shasta Dam.

# 1           **TITLE IV—CVPIA ACTIONS**

## 2   **SEC. 401. CVPIA RESTORATION ACTIONS.**

3           (a) REFUGE WATER SUPPLY PROGRAM.—Not later  
4 than 2 years after the date of enactment of this Act, the  
5 Secretary of the Interior shall complete the refuge water  
6 supply program under section 3406(d) of the Central Val-  
7 ley Project Improvement Act (title XXXIV of Public Law  
8 102–575; 106 Stat. 4722) and shall, within that 2-year  
9 period, give priority to completing the refuge water supply  
10 program when making funding decisions from the Central  
11 Valley Project Restoration Fund established under section  
12 3407 of the Central Valley Project Improvement Act (106  
13 Stat. 4726), the Infrastructure Investment and Jobs Act  
14 (Public Law 117–25), the Land and Water Conservation  
15 Fund Act (Public Law 88–578), and other sources of  
16 funding.

17           (b) RESTORATION ACTIONS DEEMED COMPLETE.—  
18 Upon completion of the refuge water supply program pur-  
19 suant to subsection (a), or September 30, 2025, whichever  
20 occurs first, the Secretary of the Interior shall deem com-  
21 plete the fish, wildlife, and habitat mitigation and restora-  
22 tion actions mandated under section 3406 of the Central  
23 Valley Project Improvement Act (title XXXIV of Public  
24 Law 102–575; 106 Stat. 4714).

1 **TITLE V—WATER SUPPLY PER-**  
2 **MITTING COORDINATION ACT**

3 **SEC. 501. SHORT TITLE.**

4 This title may be cited as the “Water Supply Permit-  
5 ting Coordination Act”.

6 **SEC. 502. DEFINITIONS.**

7 In this title:

8 (1) BUREAU.—The term “Bureau” means the  
9 Bureau of Reclamation.

10 (2) COOPERATING AGENCIES.—The term “co-  
11 operating agency” means a Federal agency with ju-  
12 risdiction over a review, analysis, opinion, statement,  
13 permit, license, or other approval or decision re-  
14 quired for a qualifying project under applicable Fed-  
15 eral laws and regulations, or a State agency subject  
16 to section 503(c).

17 (3) QUALIFYING PROJECTS.—The term “quali-  
18 fying projects” means new surface water storage  
19 projects in the States covered under the Act of June  
20 17, 1902 (32 Stat. 388, chapter 1093), and Acts  
21 supplemental to and amendatory of that Act (43  
22 U.S.C. 371 et seq.) constructed on lands adminis-  
23 tered by the Department of the Interior or the De-  
24 partment of Agriculture, exclusive of any easement,  
25 right-of-way, lease, or any private holding, if the

1 project applicant or sponsor elects to participate in  
2 the process authorized by this title. Such term shall  
3 also include State-led projects (as defined in section  
4 4007(a)(2) of the WIIN Act) for new surface water  
5 storage projects in the States covered under the Act  
6 of June 17, 1902 (32 Stat. 388, chapter 1093), and  
7 Acts supplemental to and amendatory of that Act  
8 (43 U.S.C. 371 et seq.) constructed on lands admin-  
9 istered by the Department of the Interior or the De-  
10 partment of Agriculture, exclusive of any easement,  
11 right-of-way, lease, or any private holding, unless the  
12 project applicant elects not to participate in the  
13 process authorized by this title.

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior.

16 **SEC. 503. ESTABLISHMENT OF LEAD AGENCY AND COOPER-**  
17 **ATING AGENCIES.**

18 (a) ESTABLISHMENT OF LEAD AGENCY.—The Bu-  
19 reau is established as the lead agency for purposes of co-  
20 ordinating all reviews, analyses, opinions, statements, per-  
21 mits, licenses, or other approvals or decisions required  
22 under Federal law to construct qualifying projects.

23 (b) IDENTIFICATION AND ESTABLISHMENT OF CO-  
24 OPERATING AGENCIES.—The Commissioner of the Bureau  
25 shall—

1           (1) identify, as early as practicable upon receipt  
2 of an application for a qualifying project, any Fed-  
3 eral agency that may have jurisdiction over a review,  
4 analysis, opinion, statement, permit, license, ap-  
5 proval, or decision required for a qualifying project  
6 under applicable Federal laws and regulations; and

7           (2) notify any such agency, within a reasonable  
8 timeframe, that the agency has been designated as  
9 a cooperating agency in regards to the qualifying  
10 project unless that agency responds to the Bureau in  
11 writing, within a timeframe set forth by the Bureau,  
12 notifying the Bureau that the agency—

13           (A) has no jurisdiction or authority with  
14 respect to the qualifying project;

15           (B) has no expertise or information rel-  
16 evant to the qualifying project or any review,  
17 analysis, opinion, statement, permit, license, or  
18 other approval or decision associated therewith;  
19 or

20           (C) does not intend to submit comments  
21 on the qualifying project or conduct any review  
22 of such a project or make any decision with re-  
23 spect to such project in a manner other than in  
24 cooperation with the Bureau.

1 (c) STATE AUTHORITY.—A State in which a quali-  
2 fying project is being considered may choose, consistent  
3 with State law—

4 (1) to participate as a cooperating agency; and

5 (2) to make subject to the processes of this title  
6 all State agencies that—

7 (A) have jurisdiction over the qualifying  
8 project;

9 (B) are required to conduct or issue a re-  
10 view, analysis, or opinion for the qualifying  
11 project; or

12 (C) are required to make a determination  
13 on issuing a permit, license, or approval for the  
14 qualifying project.

15 **SEC. 504. BUREAU RESPONSIBILITIES.**

16 (a) IN GENERAL.—The principal responsibilities of  
17 the Bureau under this title are—

18 (1) to serve as the point of contact for appli-  
19 cants, State agencies, Indian Tribes, and others re-  
20 garding proposed qualifying projects;

21 (2) to coordinate preparation of unified environ-  
22 mental documentation that will serve as the basis for  
23 all Federal decisions necessary to authorize the use  
24 of Federal lands for qualifying projects; and



1           (3) to coordinate all Federal agency reviews  
2           necessary for project development and construction  
3           of qualifying projects.

4           (b) COORDINATION PROCESS.—The Bureau shall  
5           have the following coordination responsibilities:

6           (1) PREAPPLICATION COORDINATION.—Notify  
7           cooperating agencies of proposed qualifying projects  
8           not later than 30 days after receipt of a proposal  
9           and facilitate a preapplication meeting for prospec-  
10          tive applicants, relevant Federal and State agencies,  
11          and Indian Tribes—

12                   (A) to explain applicable processes, data  
13                   requirements, and applicant submissions nec-  
14                   essary to complete the required Federal agency  
15                   reviews within the timeframe established; and

16                   (B) to establish the schedule for the quali-  
17                   fying project.

18          (2) CONSULTATION WITH COOPERATING AGEN-  
19          CIES.—Consult with the cooperating agencies  
20          throughout the Federal agency review process, iden-  
21          tify and obtain relevant data in a timely manner,  
22          and set necessary deadlines for cooperating agencies.

23          (3) SCHEDULE.—Work with the qualifying  
24          project applicant and cooperating agencies to estab-

1       lish a project schedule. In establishing the schedule,  
2       the Bureau shall consider, among other factors—

3               (A) the responsibilities of cooperating  
4               agencies under applicable laws and regulations;

5               (B) the resources available to the cooper-  
6               ating agencies and the non-Federal qualifying  
7               project sponsor, as applicable;

8               (C) the overall size and complexity of the  
9               qualifying project;

10              (D) the overall schedule for and cost of the  
11              qualifying project; and

12              (E) the sensitivity of the natural and his-  
13              toric resources that may be affected by the  
14              qualifying project.

15              (4) ENVIRONMENTAL COMPLIANCE.—Prepare a  
16              unified environmental review document for each  
17              qualifying project application, incorporating a single  
18              environmental record on which all cooperating agen-  
19              cies with authority to issue approvals for a given  
20              qualifying project shall base project approval deci-  
21              sions. Help ensure that cooperating agencies make  
22              necessary decisions, within their respective authori-  
23              ties, regarding Federal approvals in accordance with  
24              the following timelines:

1 (A) Not later than 1 year after acceptance  
2 of a completed project application when an en-  
3 vironmental assessment and finding of no sig-  
4 nificant impact is determined to be the appro-  
5 priate level of review under the National Envi-  
6 ronmental Policy Act of 1969 (42 U.S.C. 4321  
7 et seq.).

8 (B) Not later than 1 year and 30 days  
9 after the close of the public comment period for  
10 a draft environmental impact statement under  
11 the National Environmental Policy Act of 1969  
12 (42 U.S.C. 4321 et seq.), when an environ-  
13 mental impact statement is required under the  
14 same.

15 (5) CONSOLIDATED ADMINISTRATIVE  
16 RECORD.—Maintain a consolidated administrative  
17 record of the information assembled and used by the  
18 cooperating agencies as the basis for agency deci-  
19 sions.

20 (6) PROJECT DATA RECORDS.—To the extent  
21 practicable and consistent with Federal law, ensure  
22 that all project data is submitted and maintained in  
23 generally accessible electronic format, compile, and  
24 where authorized under existing law, make available

1 such project data to cooperating agencies, the quali-  
2 fying project applicant, and to the public.

3 (7) PROJECT MANAGER.—Appoint a project  
4 manager for each qualifying project. The project  
5 manager shall have authority to oversee the project  
6 and to facilitate the issuance of the relevant final  
7 authorizing documents, and shall be responsible for  
8 ensuring fulfillment of all Bureau responsibilities set  
9 forth in this section and all cooperating agency re-  
10 sponsibilities under section 505.

11 **SEC. 505. COOPERATING AGENCY RESPONSIBILITIES.**

12 (a) ADHERENCE TO BUREAU SCHEDULE.—

13 (1) TIMEFRAMES.—On notification of an appli-  
14 cation for a qualifying project, the head of each co-  
15 operating agency shall submit to the Bureau a time-  
16 frame under which the cooperating agency reason-  
17 ably will be able to complete the authorizing respon-  
18 sibilities of the cooperating agency.

19 (2) SCHEDULE.—

20 (A) USE OF TIMEFRAMES.—The Bureau  
21 shall use the timeframes submitted under this  
22 subsection to establish the project schedule  
23 under section 504.

1 (B) ADHERENCE.—Each cooperating agen-  
2 cy shall adhere to the project schedule estab-  
3 lished by the Bureau under subparagraph (A).

4 (b) ENVIRONMENTAL RECORD.—The head of each  
5 cooperating agency shall submit to the Bureau all environ-  
6 mental review material produced or compiled in the course  
7 of carrying out activities required under Federal law, con-  
8 sistent with the project schedule established by the Bureau  
9 under subsection (a)(2).

10 (c) DATA SUBMISSION.—To the extent practicable  
11 and consistent with Federal law, the head of each cooper-  
12 ating agency shall submit all relevant project data to the  
13 Bureau in a generally accessible electronic format, subject  
14 to the project schedule established by the Bureau under  
15 subsection (a)(2).

16 **SEC. 506. FUNDING TO PROCESS PERMITS.**

17 (a) IN GENERAL.—The Secretary, after public notice  
18 in accordance with subchapter II of chapter 5, and chapter  
19 7, of title 5, United States Code (commonly known as the  
20 “Administrative Procedure Act”), may accept and expend  
21 funds contributed by a non-Federal public entity to expe-  
22 dite the evaluation of a permit of that entity related to  
23 a qualifying project.

24 (b) EFFECT ON PERMITTING.—

1           (1) EVALUATION OF PERMITS.—In carrying out  
2 this section, the Secretary shall ensure that the eval-  
3 uation of permits carried out using funds accepted  
4 under this section shall—

5           (A) be reviewed by the Regional Director  
6 of the Bureau of the region in which the quali-  
7 fying project or activity is located (or a des-  
8 ignee); and

9           (B) use the same procedures for decisions  
10 that would otherwise be required for the evalua-  
11 tion of permits for similar projects or activities  
12 not carried out using funds authorized under  
13 this section.

14          (2) IMPARTIAL DECISION MAKING.—In carrying  
15 out this section, the Secretary and the head of each  
16 cooperating agency receiving funds under this sec-  
17 tion for a qualifying project shall ensure that the use  
18 of the funds accepted under this section for the  
19 qualifying project shall not—

20           (A) substantively or procedurally impact  
21 impartial decision making with respect to the  
22 issuance of permits; or

23           (B) diminish, modify, or otherwise affect  
24 the statutory or regulatory authorities of the  
25 cooperating agency.

1           (c) LIMITATION ON USE OF FUNDS.—None of the  
2 funds accepted under this section shall be used to carry  
3 out a review of the evaluation of permits required under  
4 subsection (b)(1)(A).

5           (d) PUBLIC AVAILABILITY.—The Secretary shall en-  
6 sure that all final permit decisions carried out using funds  
7 authorized under this section are made available to the  
8 public, including on the internet.

