

115TH CONGRESS  
2D SESSION

# H. R. 6040

To authorize the Secretary of the Interior to convey certain land and facilities of the Central Valley Project.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2018

Mr. DESAULNIER (for himself, Mr. MCNERNEY, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To authorize the Secretary of the Interior to convey certain land and facilities of the Central Valley Project.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Contra Costa Canal  
5 Transfer Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ACQUIRED LAND.**—The term “acquired  
9 land” means land in Federal ownership and land  
10 over which the Federal Government holds an interest

1 for the purpose of the construction and operation of  
2 the Contra Costa Canal, including land under the ju-  
3 risdiction of—

4 (A) the Bureau of Reclamation;

5 (B) the Western Area Power Administra-  
6 tion; and

7 (C) the Department of Defense in the case  
8 of the Clayton Canal diversion traversing the  
9 Concord Naval Weapons Station.

10 (2) CONTRA COSTA CANAL.—

11 (A) IN GENERAL.—The term “Contra  
12 Costa Canal” means the Contra Costa Canal  
13 Unit of the Central Valley Project, which exclu-  
14 sively serves the Contra Costa Water District in  
15 an urban area of Contra Costa County, Cali-  
16 fornia.

17 (B) INCLUSIONS.—The term “Contra  
18 Costa Canal” includes pipelines, conduits,  
19 pumping plants, aqueducts, laterals, water stor-  
20 age and regulatory facilities, electric sub-  
21 stations, related works and improvements, and  
22 all interests in land associated with the Contra  
23 Costa Canal Unit of the Central Valley Project  
24 in existence on the date of enactment of this  
25 Act.

1 (C) EXCLUSION.—The term “Contra Costa  
2 Canal” does not include the Rock Slough fish  
3 screen facility.

4 (3) CONTRACTS.—The term “contracts” means  
5 the existing water service contract between the Dis-  
6 trict and the United States, Contract No. 175r-  
7 3401A-LTR1 (2005), Contract No. 14-06-200-  
8 6072A (1972, as amended), and any other contract  
9 or land permit involving the United States, the Dis-  
10 trict, and Contra Costa Canal.

11 (4) DISTRICT.—The term “District” means the  
12 Contra Costa Water District, a political subdivision  
13 of the State of California.

14 (5) ROCK SLOUGH FISH SCREEN FACILITY.—

15 (A) IN GENERAL.—The term “Rock  
16 Slough fish screen facility” means the fish  
17 screen facility at the Rock Slough intake to the  
18 Contra Costa Canal.

19 (B) INCLUSIONS.—The term “Rock Slough  
20 fish screen facility” includes the screen struc-  
21 ture, rake cleaning system, and accessory struc-  
22 tures integral to the screen function of the  
23 Rock Slough fish screen facility, as required  
24 under the Central Valley Project Improvement  
25 Act (Public Law 102-575; 106 Stat. 4706).

1           (6) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3 **SEC. 3. CONVEYANCE OF LAND AND FACILITIES.**

4           (a) IN GENERAL.—Not later than 180 days after the  
5           date of enactment of this Act, in consideration for the Dis-  
6           trict assuming from the United States all liability for the  
7           administration, operation, maintenance, and replacement  
8           of the Contra Costa Canal, subject to valid existing rights  
9           and existing recreation agreements between the Bureau of  
10          Reclamation and the East Bay Regional Park District for  
11          Contra Loma Regional Park and other local agencies with-  
12          in the Contra Costa Canal, the Secretary shall offer to  
13          convey and assign to the District—

14                 (1) all right, title, and interest of the United  
15                 States in and to—

16                         (A) the Contra Costa Canal; and

17                         (B) the acquired land; and

18                 (2) all interests reserved and developed as of  
19                 the date of enactment of this Act for the Contra  
20                 Costa Canal in the acquired land, including existing  
21                 recreation agreements between the Bureau of Rec-  
22                 lamation and the East Bay Regional Park District  
23                 for Contra Loma Regional Park and other local  
24                 agencies within the Contra Costa Canal.

25                 (b) ROCK SLOUGH FISH SCREEN FACILITY.—

1           (1) IN GENERAL.—On mutual agreement be-  
2           tween the Secretary and the District regarding safe  
3           and reliable operations of the Rock Slough fish  
4           screen facility, the Secretary shall convey and assign  
5           to the District all right, title, and interest of the  
6           United States in and to the Rock Slough fish screen  
7           facility.

8           (2) COOPERATION.—The Secretary is encour-  
9           aged to work cooperatively with the District to ac-  
10          complish the conveyance and assignment under  
11          paragraph (1).

12          (c) PAYMENT OF COSTS.—The District shall pay to  
13          the Secretary any administrative and real estate transfer  
14          costs incurred by the Secretary in carrying out the convey-  
15          ances and assignments under subsections (a) and (b), in-  
16          cluding the cost of any boundary survey, title search, ca-  
17          dastral survey, appraisal, and other real estate transaction  
18          required for the conveyances and assignments.

19          (d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

20                  (1) IN GENERAL.—Before carrying out the con-  
21                  veyances and assignments under subsections (a) and  
22                  (b), the Secretary shall comply with all applicable re-  
23                  quirements under—

24                                  (A) the National Environmental Policy Act  
25                                  of 1969 (42 U.S.C. 4321 et seq.);

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

3 (C) any other law applicable to the Contra  
4 Costa Canal or the acquired land.

5 (2) EFFECT.—Nothing in this Act modifies or  
6 alters any obligations under—

7 (A) the National Environmental Policy Act  
8 of 1969 (42 U.S.C. 4321 et seq.); or

9 (B) the Endangered Species Act of 1973  
10 (16 U.S.C. 1531 et seq.).

11 **SEC. 4. RELATIONSHIP TO EXISTING CENTRAL VALLEY**  
12 **PROJECT CONTRACTS.**

13 (a) IN GENERAL.—Nothing in this Act affects—

14 (1) the application of the reclamation laws to  
15 water delivered to the District pursuant to any con-  
16 tract with the Secretary; or

17 (2) subject to subsection (b), the contracts.

18 (b) AMENDMENTS TO CONTRACTS.—The Secretary  
19 and the District may modify the contracts as necessary  
20 to comply with this Act.

21 (c) LIABILITY.—

22 (1) IN GENERAL.—Except as provided in para-  
23 graph (2), the United States shall not be liable for  
24 damages arising out of any act, omission, or occur-

1       rence relating to the Contra Costa Canal or the ac-  
2       quired land.

3           (2) EXCEPTION.—The United States shall con-  
4       tinue to be liable for damages caused by acts of neg-  
5       ligence committed by the United States or by any  
6       employee or agent of the United States before the  
7       date of the conveyance and assignment under section  
8       3(a), consistent with chapter 171 of title 28, United  
9       States Code (commonly known as the “Federal Tort  
10      Claims Act”).

11          (3) LIMITATION.—Nothing in this Act increases  
12      the liability of the United States beyond the liability  
13      provided under chapter 171 of title 28, United  
14      States Code.

15 **SEC. 5. REPORT.**

16      If the conveyance and assignment authorized by sec-  
17      tion 3(a) is not completed by the date that is 1 year after  
18      the date of enactment of this Act, the Secretary shall sub-  
19      mit to Congress a report that—

20           (1) describes the status of the conveyance and  
21      assignment;

22           (2) describes any obstacles to completing the  
23      conveyance and assignment; and

- 1 (3) specifies an anticipated date for completion
- 2 of the conveyance and assignment.

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