

109TH CONGRESS
2^D SESSION

H. R. 5705

To authorize the Secretary of the Interior to conduct studies to determine the feasibility and environmental impact of rehabilitating the St. Mary Diversion and Conveyance Works and the Milk River Project, to authorize the rehabilitation and improvement of the St. Mary Diversion and Conveyance Works, to develop an emergency response plan for use in the case of catastrophic failure of the St. Mary Diversion and Conveyance Works, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2006

Mr. REHBERG introduced the following bill; which was referred to the
Committee on Resources

A BILL

To authorize the Secretary of the Interior to conduct studies to determine the feasibility and environmental impact of rehabilitating the St. Mary Diversion and Conveyance Works and the Milk River Project, to authorize the rehabilitation and improvement of the St. Mary Diversion and Conveyance Works, to develop an emergency response plan for use in the case of catastrophic failure of the St. Mary Diversion and Conveyance Works, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “St. Mary Diversion
3 and Conveyance Works and Milk River Project Act of
4 2006”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) **BLACKFEET IRRIGATION PROJECT.**—The
8 term “Blackfeet Irrigation Project” means the Bu-
9 reau of Indian Affairs Blackfeet Irrigation Project
10 located within the exterior boundaries of the Black-
11 feet Reservation.

12 (2) **BLACKFEET RESERVATION.**—The term
13 “Blackfeet Reservation” means the Blackfeet Indian
14 Reservation of Montana.

15 (3) **BLACKFEET TRIBE.**—The term “Blackfeet
16 Tribe” means the Blackfeet Tribe of the Blackfeet
17 Reservation.

18 (4) **BOARD.**—The term “Board” means the
19 Joint Board of Control for the Milk River Project
20 established in accordance with State law .

21 (5) **CATASTROPHIC INFRASTRUCTURE FAIL-**
22 **URE.**—The term “catastrophic infrastructure fail-
23 ure” means a failure of the infrastructure of the St.
24 Mary Diversion and Conveyance Works that causes
25 a significant disruption in the operation of the water

1 system that, if not addressed, would, as determined
2 by the Secretary, pose a serious threat to—

3 (A) the lives, health, or property of the
4 residents of the Blackfeet Reservation; or

5 (B) the economic or environmental health
6 of—

7 (i) the Blackfeet Reservation; or

8 (ii) the region served by the Milk
9 River Project.

10 (6) CHINOOK DIVISION.—The term “Chinook
11 Division” means the Harlem, Paradise Valley, Zu-
12 rich, Alfalfa Valley, and Fort Belknap irrigation dis-
13 tricts established in accordance with State law.

14 (7) EMERGENCY RESPONSE PLAN.—The term
15 “emergency response plan” means the emergency re-
16 sponse plan developed under section 4(a).

17 (8) FORT BELKNAP RESERVATION.—The term
18 “Fort Belknap Reservation” means the Fort
19 Belknap Reservation of the Fort Belknap Indian
20 Community of Montana.

21 (9) FUND.—The term “Fund” means the
22 Emergency Response Plan Fund established by sec-
23 tion 5(a).

24 (10) MILK RIVER PROJECT.—

1 (A) IN GENERAL.—The term “Milk River
2 Project” means the Bureau of Reclamation
3 project authorized by the Secretary on March
4 14, 1903, under the Act of June 17, 1902 (32
5 Stat. 388, chapter 1093), commencing at Lake
6 Sherburne Reservoir and providing water to a
7 point approximately 6 miles east of Nashua,
8 Montana.

9 (B) INCLUSIONS.—The term “Milk River
10 Project” includes—

11 (i) Swiftcurrent Dike;

12 (ii) Lake Sherburne;

13 (iii) Nelson and Fresno dams, dikes,
14 and reservoirs;

15 (iv) St. Mary, Dodson, Vandalia, and
16 Paradise diversion dams;

17 (v) Dodson pumping plant; and

18 (vi) miles of associated canals,
19 laterals, and drains.

20 (11) REHABILITATION PROJECT.—The term
21 “rehabilitation project” means the St. Mary Diver-
22 sion and Conveyance Works rehabilitation and im-
23 provement project authorized under section 3(b)(1).

1 (12) REPAYMENT CONTRACT.—The term “re-
2 payment contract” means the repayment contract
3 entered into under section 3(b)(6)(C).

4 (13) SECRETARY.—The term “Secretary”
5 means the Secretary of the Interior.

6 (14) STATE.—The term “State” means the
7 State of Montana.

8 (15) ST. MARY DIVERSION AND CONVEYANCE
9 WORKS.—

10 (A) IN GENERAL.—The term “St. Mary
11 Diversion and Conveyance Works” means the
12 portion of the Milk River Project authorized by
13 the Secretary on March 25, 1905, under the
14 Act of June 17, 1902 (32 Stat. 388, chapter
15 1093), that—

16 (i) is located within the exterior
17 boundaries of the Blackfeet Reservation;
18 and

19 (ii) diverts water from the St. Mary
20 River into the North Fork of the Milk
21 River.

22 (B) INCLUSIONS.—The term “St. Mary
23 Diversion and Conveyance Works” includes—

24 (i) the diversion dam on the St. Mary
25 River;

- 1 (ii) Swiftcurrent Dike;
- 2 (iii) canals;
- 3 (iv) siphons;
- 4 (v) the 5 drop structures; and
- 5 (vi) other associated canal facilities.

6 **SEC. 3. ST. MARY DIVERSION AND CONVEYANCE WORKS.**

7 (a) AUTHORIZATION OF STUDIES.—

8 (1) IN GENERAL.—The Secretary, in consulta-
9 tion with the State, the Blackfeet Tribe, and other
10 rehabilitation project stakeholders, shall conduct 1
11 or more studies—

12 (A) to determine the feasibility of rehabili-
13 tating and improving the St. Mary Diversion
14 and Conveyance Works to provide for sustained
15 environmental and economic benefit within the
16 St. Mary and Milk River basins; and

17 (B) to determine the environmental impact
18 of the proposed rehabilitation project.

19 (2) USE OF EXISTING INFORMATION AND RE-
20 SOURCES.—In preparing any study under paragraph
21 (1), the Secretary shall, to the maximum extent
22 practicable, use existing studies, including engineer-
23 ing and resource information provided by, or at the
24 direction of, the Blackfeet Tribe or Federal, State,
25 or local agencies.

1 (3) COOPERATIVE AGREEMENT WITH THE
2 STATE AND THE BLACKFEET TRIBE.—The Secretary
3 may enter into cooperative agreements with the
4 State and the Blackfeet Tribe to carry out all or a
5 portion of 1 or more studies authorized under para-
6 graph (1) if the Secretary determines that the coop-
7 erative agreements would be cost-effective and effi-
8 cient.

9 (4) REIMBURSEMENT OF STUDY COSTS.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), the costs of preparing any
12 study under paragraph (1) shall be—

13 (i) considered to be a rehabilitation
14 project cost under subsection (b); and

15 (ii) if the proposed rehabilitation
16 project is carried out under subsection (b),
17 reimbursed in accordance with the repay-
18 ment contract.

19 (B) BLACKFEET TRIBE.—Any Federal
20 funds provided to the Blackfeet Tribe under a
21 cooperative agreement entered into under para-
22 graph (3) shall be nonreimbursable and non-
23 returnable to the United States.

24 (5) REPORT.—Not later than 2 years after the
25 date of enactment of this Act, the Secretary shall

1 submit to the Committee on Energy and Natural
2 Resources of the Senate and the Committee on Re-
3 sources of the House of Representatives any studies
4 required to be conducted under paragraph (1).

5 (b) AUTHORIZATION OF REHABILITATION
6 PROJECT.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date on which a study is submitted under
9 subsection (a)(5), the Secretary shall initiate the
10 planning, design, and construction of the St. Mary
11 Diversion and Conveyance Works rehabilitation and
12 improvement project alternative that is selected
13 under paragraph (2).

14 (2) SELECTION OF ALTERNATIVE.—The Sec-
15 retary, in consultation and coordination with the
16 State, the Blackfeet Tribe, and other affected reha-
17 bilitation project stakeholders, shall select the alter-
18 native for construction of the rehabilitation project
19 that the Secretary determines would best meet the
20 needs of the State, the Blackfeet Tribe, and other
21 affected rehabilitation project stakeholders.

22 (3) COOPERATIVE AGREEMENT.—The Secretary
23 shall enter into 1 or more cooperative agreements
24 with the State, the Blackfeet Tribe, and the Board
25 to provide the State, the Blackfeet Tribe, and the

1 Board with information on, and opportunities to
2 provide comments with respect to, all aspects of the
3 planning, design, and construction of the rehabilita-
4 tion project.

5 (4) COST-SHARING REQUIREMENTS.—

6 (A) IN GENERAL.—Of the total rehabilita-
7 tion projects costs—

8 (i) 45 percent shall be reimbursable;

9 and

10 (ii) 55 percent shall be nonreimburs-
11 able.

12 (B) REIMBURSABLE COSTS.—

13 (i) FEDERAL SHARE.—The Federal
14 share of the total reimbursable rehabilita-
15 tion project costs, as identified in the re-
16 payment contract, shall be 75 percent.

17 (ii) NON-FEDERAL SHARE.—The non-
18 Federal share of the total reimbursable
19 project costs, as identified in the repay-
20 ment contract, shall be the lesser of—

21 (I) the amount that is equal to
22 25 percent of the total reimbursable
23 costs of carrying out the project; or

24 (II) \$25,000,000.

1 (C) FORM OF NON-FEDERAL SHARE.—The
2 non-Federal share required under subpara-
3 graphs (A) and (B) may be in the form of—

4 (i) any in-kind, documented contribu-
5 tion of goods or services, whether provided
6 before, on, or after the date of enactment
7 of this Act; or

8 (ii) any amounts paid by the State,
9 the Blackfeet Tribe, or other affected reha-
10 bilitation project stakeholders, whether
11 paid before, on, or after the date of enact-
12 ment of this Act, for engineering or other
13 studies that contribute to the rehabilitation
14 and improvement of the St. Mary Diver-
15 sion and Conveyance Works.

16 (5) LIMITATION ON CERTAIN PROJECT
17 COSTS.—

18 (A) ADMINISTRATIVE COSTS.—The total
19 amount of funds expended by the Secretary for
20 the administration of the rehabilitation project
21 shall be not more than 4 percent of the amount
22 provided for the total rehabilitation project con-
23 struction budget.

24 (B) DESIGN AND CONSTRUCTION.—The
25 total amount of funds expended by the Sec-

1 retary for design, and construction oversight of
2 the rehabilitation project shall be not more than
3 20 percent of the amount provided for the total
4 rehabilitation project construction budget.

5 (6) CONSTRUCTION FUNDS.—The Secretary
6 shall not obligate any funds made available for reha-
7 bilitation project construction activities authorized
8 under this subsection until—

9 (A) any applicable requirements of the Na-
10 tional Environmental Policy Act of 1969 (42
11 U.S.C. 4321 et seq.) have been met;

12 (B) a final engineering report has been—

13 (i) prepared and submitted to the Sec-
14 retary; and

15 (ii) transmitted by the Secretary to
16 the Committee on Energy and Natural Re-
17 sources of the Senate and the Committee
18 on Resources of the House of Representa-
19 tives by the date that is 60 days after the
20 date on which the report has been sub-
21 mitted to the Secretary; and

22 (C) a contract providing for the repayment
23 of reimbursable costs for the rehabilitation
24 project has been entered into by the Secretary
25 and the applicable non-Federal entities.

1 (7) EMPLOYMENT PREFERENCE.—The Sec-
2 retary shall require that any contract or subcontract
3 for the construction of the rehabilitation project in-
4 clude a provision that the contractor or subcon-
5 tractor provide a hiring preference to qualified mem-
6 bers of the Blackfeet Tribe.

7 (8) DEADLINE.—The rehabilitation project
8 shall be substantially complete by not later than
9 January 1, 2018.

10 **SEC. 4. EMERGENCY RESPONSE PLAN.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Secretary, in consulta-
13 tion with the State, local and tribal authorities, and other
14 Milk River Project stakeholders, shall develop and, subject
15 to the availability of funds, implement an emergency re-
16 sponse plan to be followed in the event of a catastrophic
17 infrastructure failure.

18 (b) CONTENTS.—The emergency response plan
19 shall—

20 (1) identify the potential impacts of a cata-
21 strophic infrastructure failure on public safety and
22 the environment, with an emphasis on the impacts
23 on any portions of the Blackfeet Reservation in
24 which the St. Mary Diversion and Conveyance
25 Works are located;

1 (2) provide a response plan to address the pub-
2 lic safety and environmental impacts in the State
3 and the Blackfeet Reservation within a reasonable
4 period following a catastrophic infrastructure failure;

5 (3) define the responsibilities of emergency re-
6 sponse personnel in the event of a catastrophic infra-
7 structure failure;

8 (4) ensure communication and coordination
9 among the Federal, State, tribal, and local agencies
10 and other Milk River Project stakeholders that are
11 responsible for implementing the emergency response
12 plan;

13 (5) establish public notification procedures to
14 be carried out in the event of a catastrophic infra-
15 structure failure;

16 (6) provide for the repair or replacement of
17 failed infrastructure with components that are com-
18 patible with the rehabilitation project;

19 (7) include a cost-sharing agreement that—

20 (A) specifies the manner in which costs
21 will be shared and any reimbursable amounts
22 will be repaid if the emergency response plan is
23 implemented; and

24 (B) is consistent with subsection (e); and

1 (8) incorporate any other elements that the
2 Secretary, in consultation with the State, tribal and
3 local authorities, and other Milk River Project stake-
4 holders, determines would ensure a rapid and effec-
5 tive response to a catastrophic infrastructure failure.

6 (c) TITLE.—Title to all project works and facilities
7 constructed under this section shall be held by the United
8 States.

9 (d) DEVELOPMENT COSTS.—Any costs incurred by
10 the Secretary in developing the emergency response plan
11 shall be nonreimbursable.

12 (e) IMPLEMENTATION COSTS.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the cost-sharing requirements of section
15 3(b)(4) shall apply to any costs of implementing the
16 emergency response plan under this section.

17 (2) BLACKFEET TRIBE.—Notwithstanding
18 paragraph (1), any Federal funds provided for non-
19 infrastructure activities carried out under this sec-
20 tion on the Blackfeet Reservation are nonreimburs-
21 able and nonreturnable to the United States.

22 **SEC. 5. EMERGENCY RESPONSE PLAN FUND.**

23 (a) ESTABLISHMENT.—There is established in the
24 Treasury of the United States a revolving fund, consisting
25 of—

1 (1) such amounts as are appropriated to the
2 Fund under section 10(d); and

3 (2) any interest earned on investment of
4 amounts in the Fund under subsection (c).

5 (b) EXPENDITURES FROM FUND.—

6 (1) IN GENERAL.—If the Secretary determines
7 that a catastrophic infrastructure failure has oc-
8 curred, the Secretary of the Treasury, on request of
9 the Secretary, shall transfer from the Fund to the
10 Secretary such amounts as the Secretary determines
11 are necessary to implement the emergency response
12 plan.

13 (2) REPORT.—Not later than 60 days after the
14 date on which amounts from the Fund are trans-
15 ferred to the Secretary under paragraph (1), the
16 Secretary shall submit to the Committee on Energy
17 and Natural Resources of the Senate and the Com-
18 mittee on Resources of the House of Representatives
19 a report that describes—

20 (A) the event that triggered the determina-
21 tion that a catastrophic infrastructure failure
22 had occurred;

23 (B) the amount transferred to the Sec-
24 retary from the Fund;

1 (C) a description of any construction car-
2 ried out using the amounts transferred; and

3 (D) the estimated cost of completing any
4 construction being carried out under the emer-
5 gency response plan.

6 (c) INVESTMENT OF AMOUNTS.—

7 (1) IN GENERAL.—The Secretary of the Treas-
8 ury shall invest such portion of the Fund as is not,
9 in the judgment of the Secretary of the Treasury,
10 required to meet current withdrawals.

11 (2) INTEREST-BEARING OBLIGATIONS.—Invest-
12 ments may be made only in interest-bearing obliga-
13 tions of the United States.

14 (3) ACQUISITION OF OBLIGATIONS.—For the
15 purpose of investments under paragraph (1), obliga-
16 tions may be acquired—

17 (A) on original issue at the issue price; or

18 (B) by purchase of outstanding obligations
19 at the market price.

20 (4) SALE OF OBLIGATIONS.—Any obligation ac-
21 quired by the Fund may be sold by the Secretary of
22 the Treasury at the market price.

23 (5) CREDITS TO FUND.—The interest on, and
24 the proceeds from the sale or redemption of, any ob-

1 ligations held in the Fund shall be credited to, and
2 form a part of, the Fund.

3 (d) TERMINATION OF FUND.—

4 (1) IN GENERAL.—If the Secretary determines
5 that the St. Mary Diversion and Conveyance Works
6 no longer pose an unacceptable risk of catastrophic
7 infrastructure failure—

8 (A) the Fund shall be terminated; and

9 (B) the unexpended and unobligated bal-
10 ance of the Fund shall be made available for
11 the construction of the rehabilitation project au-
12 thorized under section 3(b)(1).

13 (2) ADDITIONAL FUNDS.—Amounts made avail-
14 able for the construction of the rehabilitation project
15 under paragraph (1)(B) shall be in addition to the
16 amounts made available for the rehabilitation project
17 under section 10(b).

18 **SEC. 6. MILK RIVER PROJECT.**

19 (a) AUTHORIZED USES.—Notwithstanding any other
20 provision of law—

21 (1) the authorized uses of Lake Sherburne Res-
22 ervoir, St. Mary Diversion and Conveyance Works,
23 Fresno Reservoir, Nelson Reservoir, and the
24 Vandalia Diversion Dam shall include irrigation,
25 flood control, the provision of municipal and indus-

1 trial water supplies, recreation, fish and wildlife con-
2 servation and development, and water conservation;
3 and

4 (2) the Milk River Project shall be operated—

5 (A) primarily for the purpose of irrigation;

6 and

7 (B) in a manner that does not interfere

8 with any contracts in existence on the date of

9 enactment of this Act that are executed under

10 the reclamation laws.

11 (b) SERVICE AREA.—The service area of the Milk
12 River Project is—

13 (1) the Milk River Basin; and

14 (2) the portion of the St. Mary River Basin
15 that is accessible to the Milk River Project.

16 (c) FEASIBILITY STUDIES.—

17 (1) PRIORITY.—In consultation with the State

18 and affected Milk River Project stakeholders, the

19 Secretary shall prioritize the Milk River Project

20 structures that are in need of rehabilitation and im-

21 provement.

22 (2) PREPARATION OF STUDIES.—The Secretary

23 or the non-Federal project sponsor shall prepare 1

24 or more feasibility studies for Milk River Project

1 structures in order of the priority established under
2 paragraph (1).

3 (3) COSTS.—The costs of any feasibility studies
4 prepared under paragraph (2) shall be—

5 (A) considered to be Milk River Project re-
6 habilitation and improvement costs; and

7 (B) reimbursable if the proposed Milk
8 River Project rehabilitation and improvement is
9 carried out.

10 (4) COOPERATIVE AGREEMENTS.—The Sec-
11 retary may enter into any cooperative agreements
12 with the non-Federal project sponsors that the Sec-
13 retary determines to be necessary to carry out this
14 subsection.

15 (d) MILK RIVER PROJECT REHABILITATION AND IM-
16 PROVEMENT COSTS.—The cost-sharing requirements of
17 section 3(b)(4) shall apply to the costs of studying, design-
18 ing, planning, and constructing any rehabilitation of, or
19 improvements to, Milk River Project structures that are
20 carried out in accordance with a feasibility study prepared
21 under subsection (c).

22 **SEC. 7. BLACKFEET TRIBE.**

23 (a) PROTECTION OF LAND AND WATER RIGHTS.—
24 In carrying out the rehabilitation project, the Secretary
25 shall ensure that the land and water rights held in trust

1 for the benefit of the Blackfeet Tribe and the members
2 of the Blackfeet Tribe are protected.

3 (b) SETTLEMENT OF MILK RIVER PROJECT
4 CLAIMS.—

5 (1) IN GENERAL.—Notwithstanding any other
6 provision of law, the Secretary shall resolve any
7 land, water, environmental, and other claims of the
8 Blackfeet Tribe against the United States relating to
9 the portions of the Milk River Project located within
10 the exterior boundaries of the Blackfeet Reservation.

11 (2) COSTS.—Any Federal funds expended under
12 paragraph (1) shall be nonreimbursable and non-
13 returnable to the United States.

14 (3) REPORT.—Not later than January 1, 2008,
15 or if the Secretary and the Blackfeet Tribe agree to
16 a later date, the date agreed to by the Secretary and
17 the Blackfeet Tribe, the Secretary shall submit to
18 Congress a report that describes the resolution of
19 any claims under paragraph (1), including a descrip-
20 tion of the amount of funds necessary to resolve the
21 claims.

22 (c) BLACKFEET PROJECTS.—

23 (1) IDENTIFICATION OF PROJECTS.—The Sec-
24 retary, in consultation with the Blackfeet Tribe,
25 shall identify appropriate Blackfeet projects to im-

1 prove economic conditions on the Blackfeet Reserva-
2 tion.

3 (2) FEASIBILITY STUDIES.—

4 (A) IN GENERAL.—The Secretary shall
5 complete 1 or more studies to determine the
6 feasibility of carrying out the Blackfeet projects
7 identified under paragraph (1).

8 (B) USE OF EXISTING STUDIES.—In pre-
9 paring a study under subparagraph (A), the
10 Secretary shall, to the maximum extent prac-
11 ticable, use any existing studies that are identi-
12 fied by the Blackfeet Tribe.

13 (C) CONSIDERATIONS.—The Secretary
14 may consider the use of the St. Mary Diversion
15 and Conveyance Works in—

16 (i) the preparation of a feasibility
17 study under this paragraph; and

18 (ii) the subsequent planning, design,
19 and construction of any Blackfeet projects
20 that are recommended to be carried out
21 under this subsection.

22 (D) COOPERATIVE AGREEMENTS.—The
23 Secretary may enter into 1 or more cooperative
24 agreements with the Blackfeet Tribe to carry
25 out a feasibility study under this paragraph.

1 (E) REPORT.—Not later than 180 days
2 after the date on which a feasibility study is
3 completed under this paragraph, the Secretary
4 shall submit to Congress a report that—

5 (i) identifies any Blackfeet projects
6 proposed to be carried out under this sub-
7 section; and

8 (ii) describes the amount of funds
9 necessary for the recommended Blackfeet
10 projects.

11 (d) HYDROPOWER PREFERENCE.—The Blackfeet
12 Tribe shall be eligible for preference in the development
13 of hydropower generation on all facilities of the St. Mary
14 Diversion and Conveyance Works located within the exte-
15 rior boundaries of the Blackfeet Reservation on the same
16 basis as municipalities under the Federal Power Act (16
17 U.S.C. 791a et seq.) and the reclamation laws (including
18 the Reclamation Project Act of 1939 (43 U.S.C. 485 et
19 seq.)).

20 (e) EMPLOYMENT PREFERENCE.—The Secretary
21 shall require that any contract or subcontract for the con-
22 struction of the rehabilitation project require that the con-
23 tractor or subcontractor provide a hiring preference to
24 qualified members of the Blackfeet Tribe.

25 (f) BLACKFEET IRRIGATION PROJECT.—

1 (1) FEASIBILITY STUDIES.—

2 (A) IN GENERAL.—As soon as practicable
3 after the date on which the Secretary completes
4 an appraisal investigation of the Blackfeet Irriga-
5 tion Project, the Secretary shall conduct 1 or
6 more studies to determine the feasibility of re-
7 habilitating and improving the Blackfeet Irriga-
8 tion Project structures that are determined by
9 the Secretary to be in need of rehabilitation or
10 improvement based on the appraisal investiga-
11 tion.

12 (B) NONREIMBURSABLE COSTS.—Any
13 costs incurred in carrying out a feasibility study
14 under subparagraph (A) are nonreimbursable
15 and nonreturnable to the United States.

16 (C) COOPERATIVE AGREEMENT.—The Sec-
17 retary may enter into 1 or more cooperative
18 agreements with the Blackfeet Tribe for the
19 conduct of the feasibility studies under subpara-
20 graph (A).

21 (D) EMPLOYMENT PREFERENCE.—With
22 respect to hiring or contracting for individuals
23 to carry out a feasibility study under subpara-
24 graph (A), the Secretary shall give preference
25 to any member of the Blackfeet Tribe that the

1 Secretary determines to be qualified for the po-
2 sition.

3 (2) REPORT.—Not later than 180 days after
4 the date on which a feasibility study is completed
5 under paragraph (1), the Secretary shall submit to
6 Congress a report that—

7 (A) includes recommendations for the re-
8 habilitation and improvement of the Blackfeet
9 Irrigation Project; and

10 (B) describes the amount of funds nec-
11 essary for the rehabilitation and improvement
12 of the Blackfeet Irrigation Project.

13 **SEC. 8. FORT BELKNAP RESERVATION FEASIBILITY STUDY.**

14 (a) IN GENERAL.—The Secretary shall conduct 1 or
15 more studies to determine the feasibility of developing a
16 safe and adequate rural, municipal, and industrial water
17 supply project for the residents of the Fort Belknap Res-
18 ervation and surrounding communities.

19 (b) COSTS.—Any costs incurred in carrying out the
20 feasibility study under subsection (a) are nonreimbursable
21 and nonreturnable to the United States.

22 **SEC. 9. EFFECT.**

23 (a) IN GENERAL.—Nothing in this Act—

24 (1) create or alters—

25 (A) any Federal reserved water right; or

- 1 (B) any other right to the use of water;
- 2 (2) expands or diminishes any Federal, State,
3 or tribal jurisdiction or authority over—
- 4 (A) water resources development or con-
5 trol; or
- 6 (B) water rights;
- 7 (3) alters the private ownership of any struc-
8 tures, canals, and laterals owned by the Chinook Di-
9 vision; or
- 10 (4) prohibits the Secretary, as part of an Indian
11 water rights settlement, from using any project fa-
12 cilities to deliver water from the St. Mary River for
13 the use of the Blackfeet Tribe.

14 (b) RECLAMATION LAWS.—No activity carried out
15 under this Act shall be considered to be a supplemental,
16 additional, or new benefit under the reclamation laws, in-
17 cluding the Reclamation Reform Act of 1982 (43 U.S.C.
18 390aa et seq.).

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) ST. MARY DIVERSION AND CONVEYANCE WORKS
21 FEASIBILITY STUDIES.—There is authorized to be appro-
22 priated to carry out section 3(a) \$15,000,000, to remain
23 available until expended.

24 (b) ST. MARY DIVERSION AND CONVEYANCE WORKS
25 REHABILITATION PROJECT.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 there is authorized to be appropriated to carry out
3 section 3(b) \$135,000,000.

4 (2) ADJUSTMENT.—The amount authorized
5 under paragraph (1) shall be adjusted as necessary
6 to account for increases in development costs after
7 January 31, 2005, as determined using applicable
8 engineering cost indices.

9 (c) EMERGENCY RESPONSE PLAN.—There is author-
10 ized to be appropriated to carry out section 4 \$2,000,000.

11 (d) EMERGENCY FUND.—There is authorized to be
12 appropriated to the Fund \$15,000,000.

13 (e) MILK RIVER PROJECT FEASIBILITY STUDIES.—
14 There is authorized to be appropriated to carry out section
15 6(c) \$10,000,000.

16 (f) BLACKFEET PROJECTS.—There is authorized to
17 be appropriated to carry out section 7(c) \$1,000,000.

18 (g) BLACKFEET IRRIGATION PROJECT.—There is au-
19 thorized to be appropriated to carry out section 7(f)
20 \$5,000,000.

21 (h) FORT BELKNAP RESERVATION FEASIBILITY
22 STUDY.—There is authorized to be appropriated to carry
23 out section 8 \$1,000,000.

○