

107TH CONGRESS
1ST SESSION

H. R. 2404

To authorize Federal agency participation and financial assistance for programs and for infrastructure improvements for the purposes of increasing deliverable water supplies, conserving water and energy, restoring ecosystems, and enhancing environmental quality in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2001

Mr. GEORGE MILLER of California (for himself, Mr. LANTOS, Ms. ESHOO, Ms. PELOSI, Mr. BACA, Mr. FILNER, and Ms. SANCHEZ) introduced the following bill; which was referred to the Committee on Resources

A BILL

To authorize Federal agency participation and financial assistance for programs and for infrastructure improvements for the purposes of increasing deliverable water supplies, conserving water and energy, restoring ecosystems, and enhancing environmental quality in the State of California, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “California Water Qual-
5 ity and Reliability Act of 2001”.

1 **SEC. 2. TABLE OF CONTENTS.**

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

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

TITLE I—BAY-DELTA PROGRAM

- Sec. 101. Extension of authorization.
- Sec. 102. Department of the Interior participation in Bay-Delta Program.
- Sec. 103. Bay-Delta Program governance.
- Sec. 104. General authorization of appropriations.
- Sec. 105. Program reporting, oversight, and accountability.

TITLE II—WATER SUPPLY

- Sec. 201. California water supply program.
- Sec. 202. Surface water storage feasibility and environmental studies.
- Sec. 203. Water recycling and water reuse projects and water desalination demonstration projects.
- Sec. 204. Groundwater banking demonstration projects.
- Sec. 205. Authorization of appropriations.

TITLE III—ENVIRONMENTAL RESTORATION PROGRAM

- Sec. 301. Requirement to carry out program.
- Sec. 302. Performance objectives for fish and wildlife.
- Sec. 303. Funding.
- Sec. 304. Timing of water exports from Sacramento-San Joaquin Delta.
- Sec. 305. Authorization of appropriations.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) BAY-DELTA PROGRAM.—The term “Bay-
6 Delta Program” means the programs, projects, and
7 activities described in the Record of Decision.

8 (2) GOVERNOR.—The term “Governor” means
9 the Governor of the State of California.

10 (3) PROGRAM.—The term “Program” means
11 the California Water Supply Program under section
12 201.

1 (4) RECORD OF DECISION.—The term “Record
2 of Decision” means the Federal Record of Decision
3 dated August 28, 2000, relating to the Bay-Delta
4 Program, issued under the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

6 (5) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (6) STAGE 1.—The term “Stage 1” means
9 Stage 1 of the Bay-Delta Program as that term is
10 defined and used in the Record of Decision.

11 (7) STATE.—The term “State” means the State
12 of California and the departments and agencies of
13 the State that participate in the Bay-Delta Program.

14 **TITLE I—BAY-DELTA PROGRAM**

15 **SEC. 101. EXTENSION OF AUTHORIZATION.**

16 Section 1101(a) of Division I of the Omnibus Parks
17 and Public Lands Management Act of 1996 (Public Law
18 104–333; 110 Stat. 4241) is amended in the first sentence
19 by striking “For each of the fiscal years 1998, 1999, and
20 2000 there are authorized to be appropriated an addi-
21 tional \$143,300,000” and inserting “For fiscal years 1998
22 through 2006, there are authorized to be appropriated a
23 total of \$429,900,000 (including amounts appropriated
24 before the date of the enactment of the California Water
25 Quality and Reliability Act of 2001)”.

1 **SEC. 102. DEPARTMENT OF THE INTERIOR PARTICIPATION**
2 **IN BAY-DELTA PROGRAM.**

3 The Secretary may—

4 (1) participate in the governance and adminis-
5 tration of the Bay-Delta Program as provided in the
6 Record of Decision, except as otherwise provided in
7 this Act; and

8 (2) perform all actions necessary to implement
9 Stage 1 of the Bay-Delta Program Record of Deci-
10 sion, within the limitations and approval require-
11 ments set forth in this Act.

12 **SEC. 103. BAY-DELTA PROGRAM GOVERNANCE.**

13 (a) **COMPLIANCE WITH IMPLEMENTATION MOU.**—
14 The Secretary shall implement the Record of Decision in
15 accordance with the terms of Attachment 3 to the Record
16 of Decision entitled, “Implementation Memorandum of
17 Understanding”, and dated August 28, 2000, until other-
18 wise provided by law.

19 (b) **PROPOSAL FOR LONG-TERM GOVERNANCE.**—The
20 Secretary shall, no later than June 1, 2002, and in con-
21 sultation with other Federal agencies, develop jointly with
22 the State of California and submit to the Congress a pro-
23 posal for long-term governance of the Bay-Delta Program.

24 **SEC. 104. GENERAL AUTHORIZATION OF APPROPRIATIONS.**

25 (a) **IN GENERAL.**—For activities required to be con-
26 ducted by Federal agencies under the Record of Decision

1 that are not expressly authorized by this Act and the
2 amendments made by this Act, there are authorized to be
3 appropriated to the Secretary \$100,000,000 for each of
4 fiscal years 2002 through 2006.

5 (b) TRANSFERS.—The Secretary shall transfer to a
6 Federal official responsible for conducting an activity
7 under the Record of Decision any amounts appropriated
8 under this section for such activity.

9 **SEC. 105. PROGRAM REPORTING, OVERSIGHT, AND AC-**
10 **COUNTABILITY.**

11 (a) REPORT.—Beginning on February 15, 2002, and
12 annually on that date thereafter through 2007, the Sec-
13 retary, in consultation with the Director of the Office of
14 Management and Budget, other Federal agencies, the
15 Governor, and the State, and other interested persons,
16 shall submit to the Congress a report that describes the
17 status of implementation of all elements of the Bay-Delta
18 Program as described in the Record of Decision.

19 (b) CONTENTS.—Each report shall contain—

20 (1) a detailed description of all funds available
21 to State and Federal agencies for the Bay-Delta
22 Program in the previous fiscal year, including a de-
23 scription of and status report for all projects and ac-
24 tivities funded under this Act and other Acts per-

1 taining to implementation of the Record of Decision
2 in that fiscal year; and

3 (2) a detailed interagency budget report that
4 displays, by agency and activity, the cumulative Fed-
5 eral spending to date, the unobligated balance of
6 available amounts, and the proposed Federal spend-
7 ing for the fiscal year in which the report is sub-
8 mitted and for each subsequent fiscal year through
9 2008, for the Bay-Delta Program.

10 **TITLE II—WATER SUPPLY**

11 **SEC. 201. CALIFORNIA WATER SUPPLY PROGRAM.**

12 (a) IN GENERAL.—The Secretary shall carry out a
13 program in accordance with this title to achieve the pur-
14 poses set forth in subsection (b). The program shall be
15 known as the California Water Supply Program.

16 (b) PURPOSES.—The purposes of the Program are
17 the following:

18 (1) Assist in the development of new or en-
19 hanced deliverable water supplies in the State of
20 California that are—

21 (A) developed by use of state-of-the-art
22 technology;

23 (B) regional in scope;

24 (C) cost-effective;

1 (D) planned and constructed in response
2 to, and consistent with, the Record of Decision
3 and documented needs for additional water sup-
4 plies and improved water quality; and

5 (E) consistent with and in compliance with
6 all applicable Federal, State, and local environ-
7 mental laws and requirements.

8 (2) Increase the effectiveness of surface water
9 and groundwater conservation measures throughout
10 the State of California.

11 (3) Increase the availability of locally and re-
12 regionally developed water supplies to improve the reli-
13 ability of water supplies in California.

14 (4) Encourage research and development of new
15 and innovative technologies and methods for water
16 treatment and conservation.

17 (5) Establish, as a matter of Federal policy, the
18 objective of reducing, by the year 2020, the max-
19 imum annual quantity of water pumped each year
20 for consumptive uses from the Harvey O. Banks and
21 Tracy Pumping Plants.

22 (c) PROGRAM ELEMENTS.—The Program shall be
23 comprised of the following elements:

24 (1) SURFACE WATER STORAGE.—Under section
25 202, feasibility studies of—

1 (A) new surface water storage projects;
2 and

3 (B) enlargements of existing surface water
4 storage projects.

5 (2) RECYCLING, REUSE, AND DESALINATION.—

6 Under the amendments made by section 203, stud-
7 ies, research, and development of water recycling
8 and water reuse projects and water desalination
9 demonstration projects.

10 (3) GROUNDWATER STORAGE AND BANKING.—

11 In accordance with section 204, studies and imple-
12 mentation of groundwater storage demonstration
13 projects and groundwater banking demonstration
14 projects.

15 (d) CONSTRUCTION AND OPERATION OF PROJECTS

16 TO ACHIEVE PROGRAM PURPOSES.—Every project

17 planned or constructed after the date of the enactment

18 of this Act in the State of California with Federal financial

19 assistance administered by the Secretary, for the purposes

20 of developing new water supplies, increasing existing water

21 supplies, delivering water for agricultural or municipal and

22 industrial purposes pursuant to a contract with the Sec-

23 retary, or facilitating conveyance of water for agricultural

24 or municipal and industrial purposes pursuant to a con-

25 tract with the Secretary, is deemed to be a component of

1 the California Water Supply Program, and shall be con-
2 structed and operated in a manner that will achieve the
3 purposes of the Program.

4 (e) RESTRICTION ON EXPENDITURES FOR CON-
5 STRUCTION.—No Federal funds may be obligated or ex-
6 pended for construction of a project under the Program
7 until the Secretary publishes a finding that there are in
8 effect measures, determined to be adequate by the Sec-
9 retary, to conserve surface and groundwater supplies and
10 to manage and control the pumping of groundwater within
11 the service area of the project.

12 (f) CONTENTS OF STUDIES, GENERALLY.—Feasi-
13 bility and environmental studies for all projects under the
14 Program shall be carried out in accordance with generally
15 accepted practices and standards for preparation of engi-
16 neering, environmental, and economic feasibility studies,
17 shall comply with the requirements for feasibility studies
18 described in section 1604(c) of Public Law 102–575, and
19 in addition shall include the following:

20 (1) Project description, including—

21 (A) a detailed description of the need for
22 the project;

23 (B) a precise description of the purposes of
24 the project; and

1 (C) a precise identification of who will ben-
2 efit from water supplies that will be delivered
3 by the project, if any.

4 (2) Engineering feasibility and operational
5 studies.

6 (3) Final environmental impact studies and re-
7 ports.

8 (4) Finding by the Secretary of consistency
9 with the Record of Decision.

10 (5) Identification of the amount of project
11 water, if any, that will be allocated to fish, wildlife,
12 and habitat to support the objectives of—

13 (A) the environmental restoration program
14 authorized by title III; and

15 (B) the Central Valley Project Improve-
16 ment Act of 1992 (106 Stat. 4706).

17 (6) Seasonal and annual estimations of project
18 energy consumption and energy costs.

19 (g) ADDITIONAL STUDY REQUIREMENTS FOR SUR-
20 FACE WATER STORAGE AND CONVEYANCE PROJECTS.—
21 Feasibility studies for surface water storage and convey-
22 ance projects shall include, in addition to the requirements
23 of subsection (f), the following:

24 (1) Benefit-cost analysis.

1 (2) Cost allocation plan, including a description
2 and justification of any costs allocated or categorized
3 as nonreimbursable.

4 (3) A finding by the Secretary—

5 (A) regarding the feasibility of recovering
6 the cost of the project from the beneficiaries of
7 the project; and

8 (B) that project beneficiaries are capable
9 of paying all project operation and maintenance
10 expenses for the life of the project.

11 (4) A financing and repayment plan that speci-
12 fies the contribution toward repayment of the prop-
13 erly allocated costs of the project that will be made
14 by each project beneficiary.

15 (5) A plan to resolve institutional matters per-
16 taining to the proposed facility, including, at a
17 minimum—

18 (A) ownership of the facility and liability
19 considerations;

20 (B) financial integration with other Fed-
21 eral, State, or local water facilities or projects;
22 and

23 (C) project operational considerations and
24 coordination with other Federal, State, or local
25 water facilities or projects.

1 (h) COST SHARING.—The Federal share of the cost
2 of any project feasibility study and environmental studies
3 under the program shall not exceed 50 percent of the total
4 cost of the study.

5 **SEC. 202. SURFACE WATER STORAGE FEASIBILITY AND EN-**
6 **VIRONMENTAL STUDIES.**

7 (a) IN GENERAL.—The Secretary may carry out
8 under the Program feasibility and environmental studies
9 and studies with respect to the following:

10 (1) Enlarging Shasta Dam and Reservoir, Cen-
11 tral Valley Project, California, in a manner that is
12 consistent with the McCloud River Coordinated Re-
13 source Management Plan and does not impair the
14 attributes used to qualify the McCloud River as a
15 component of the California Wild and Scenic River
16 System.

17 (2) Expanding Los Vaqueros Reservoir, a facil-
18 ity owned and operated by the Contra Costa Water
19 District and located in Contra Costa County, Cali-
20 fornia.

21 (3) Construction or acquisition of an in-Delta
22 storage project.

23 (b) REQUIREMENTS REGARDING LOS VAQUEROS
24 RESERVOIR STUDY.—The feasibility study under sub-
25 section (a)(2) shall—

1 (1) include plans for replacing lost recreational
2 facilities at the Los Vaqueros Reservoir site and for
3 enhancing recreational facilities in the project area;
4 and

5 (2) provide that water supplies from the
6 project—

7 (A) shall be for the purposes of improving
8 water quality and operational flexibility; and

9 (B) shall not be available for export from
10 the Sacramento-San Joaquin Delta.

11 (c) COMPLETION.—The Secretary shall complete the
12 feasibility and environmental studies under this section no
13 later than 3 years after the date of the enactment of this
14 Act.

15 **SEC. 203. WATER RECYCLING AND WATER REUSE**
16 **PROJECTS AND WATER DESALINATION DEM-**
17 **ONSTRATION PROJECTS.**

18 (a) MISCELLANEOUS NEW AUTHORIZATIONS.—The
19 Reclamation Wastewater and Groundwater Study and Fa-
20 cilities Act (43 U.S.C. 390h et seq.) is amended by adding
21 at the end the following:

22 **“SEC. 1635. CASTAIC LAKE WATER AGENCY RECLAIMED**
23 **WATER PROJECT.**

24 “(a) IN GENERAL.—The Secretary, in cooperation
25 with the Castaic Lake Water Agency, California, may par-

1 participate in the design, planning, and construction of the
2 Castaic Lake Water Agency Reclaimed Water Project,
3 California, to reclaim and reuse wastewater within and
4 outside the service area of the Castaic Lake Water Agency
5 for ecosystem restoration, irrigation, recreational, indus-
6 trial, and other public purposes.

7 “(b) COST SHARING.—The Federal share of the cost
8 of the project described in subsection (a) shall not exceed
9 25 percent of the total cost of the project.

10 “(c) LIMITATION.—Funds provided by the Secretary
11 shall not be used for operation or maintenance of the
12 project described in subsection (a).

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$20,000,000.

16 **“SEC. 1636. CLEAR LAKE BASIN WATER REUSE PROJECT.**

17 “(a) IN GENERAL.—The Secretary, in cooperation
18 with Lake County, California, may participate in the de-
19 sign, planning, and construction of the Clear Lake Basin
20 Water Reuse Project to obtain, store, and use reclaimed
21 wastewater in Lake County for ecosystem restoration, irri-
22 gation, recreational, industrial, and other public purposes.

23 “(b) COST SHARING.—The Federal share of the cost
24 of the project described in subsection (a) shall not exceed
25 25 percent of the total cost of the project.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$183,250,000 (December 1999 prices).

4 **“SEC. 1638. INLAND EMPIRE REGIONAL WATER RECYCLING**
5 **PROJECT.**

6 “(a) IN GENERAL.—The Secretary, in cooperation
7 with the Inland Empire Utilities Agency, may participate
8 in the design, planning, and construction of the Inland
9 Empire Regional Water Recycling Project described in the
10 report submitted under section 1606 to recycle water for
11 ecosystem restoration, irrigation, recreational, industrial,
12 and other public purposes.

13 “(b) COST SHARING.—The Federal share of the cost
14 of the project described in subsection (a) shall not exceed
15 25 percent of the total cost of the project.

16 “(c) LIMITATION.—Funds provided by the Secretary
17 shall not be used for operation or maintenance of the
18 project described in subsection (a).

19 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$20,000,000.

22 **“SEC. 1639. SAN PABLO BAYLANDS WATER REUSE**
23 **PROJECTS.**

24 “(a) IN GENERAL.—The Secretary, in cooperation
25 with Sonoma, Napa, Marin, and Solano Counties, Cali-

1 fornia, may participate in the design, planning, and con-
2 struction of water reuse projects, to be known collectively
3 as the ‘San Pablo Baylands Water Reuse Projects’, to ob-
4 tain, store, and use reclaimed wastewater for ecosystem
5 restoration, irrigation, recreational, industrial, and other
6 public purposes.

7 “(b) COST SHARING.—The Federal share of the cost
8 of a project described in subsection (a) shall not exceed
9 25 percent of the total cost of the project.

10 “(c) LIMITATION.—Funds provided by the Secretary
11 shall not be used for operation or maintenance of any
12 project described in subsection (a).

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$20,000,000.

16 **“SEC. 1640. CALIFORNIA WATER RECYCLING PROGRAM.**

17 “(a) IN GENERAL.—The Secretary may provide as-
18 sistance to the State of California in carrying out projects
19 that receive funding under chapter 7, article 4, of the Safe
20 Drinking Water, Clean Water, Watershed Protection, and
21 Flood Protection Act of the State of California to recycle
22 water for ecosystem restoration, irrigation, recreational,
23 industrial, and other public purposes.

24 “(b) AGREEMENTS.—The Secretary may enter into
25 such agreements as are necessary to carry out this section.

1 “(c) COST SHARING.—The Federal share of the cost
2 of a project described in subsection (a) shall not exceed
3 25 percent of the total cost of the project. The limitation
4 in section 1631(d)(1) shall not apply to any project under
5 this section.

6 “(d) LIMITATION.—Funds provided by the Secretary
7 shall not be used for operation or maintenance of any
8 project described in subsection (a).

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 \$50,000,000.

12 **“SEC. 1641. ELSINORE VALLEY WATER RECYCLING**
13 **PROJECT.**

14 “(a) IN GENERAL.—The Secretary may provide de-
15 sign and construction assistance for a water recycling and
16 reuse project in the service area of the Elsinore Valley Mu-
17 nicipal Water District, California, for use for ecosystem
18 restoration, irrigation, recreational, industrial, and other
19 public purposes.

20 “(b) COST SHARING.—The Federal share of the cost
21 of the project described in subsection (a) shall not exceed
22 25 percent of the total cost of the project.

23 “(c) LIMITATION.—Funds provided by the Secretary
24 shall not be used for operation or maintenance of the
25 project described in subsection (a).

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$20,000,000.

4 **“SEC. 1642. LOWER CHINO DAIRY AREA DESALINATION**
5 **DEMONSTRATION AND RECLAMATION**
6 **PROJECT.**

7 “(a) IN GENERAL.—The Secretary, in cooperation
8 with the Chino Basin Watermaster, the Inland Empire
9 Utilities Agency, the Western Municipal Water District,
10 and the Santa Ana Watershed Project Authority, may par-
11 ticipate in the design, planning, and construction of the
12 Lower Chino Dairy Area Desalination Demonstration and
13 Reclamation Project.

14 “(b) COST SHARING.—The Federal share of the cost
15 of the project described in subsection (a) shall not
16 exceed—

17 “(1) 25 percent of the total cost of the project;

18 or

19 “(2) \$50,000,000,

20 whichever is less.

21 “(c) LIMITATION.—Funds provided by the Secretary
22 shall not be used for operation or maintenance of the
23 project described in subsection (a).

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated \$50,000,000 to carry out
3 this section.

4 **“SEC. 1643. ORANGE COUNTY-HUNTINGTON BEACH DESALI-**
5 **NATION DEMONSTRATION PROJECT.**

6 “(a) IN GENERAL.—The Secretary, in cooperation
7 with the Municipal Water District of Orange County, Cali-
8 fornia, and other local government agencies as may be ap-
9 propriate, may participate in the design, planning, and
10 construction of the Orange County-Huntington Beach De-
11 salination Demonstration Project.

12 “(b) AGREEMENTS.—The Secretary may enter into
13 such agreements as are necessary to carry out this section.

14 “(c) COST SHARING.—The Federal share of the cost
15 of implementing the project described in subsection (a)
16 shall not exceed 50 percent of the total cost of the project.
17 The limitation in section 1631(d)(1) shall not apply to the
18 project under this section.

19 “(d) LIMITATION.—Funds provided by the Secretary
20 under this section shall not be used for operation and
21 maintenance of the project described in subsection (a).

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$50,000,000 (December 2000 prices).

1 **“SEC. 1644. CARLSBAD DESALINATION DEMONSTRATION**
2 **PROJECT.**

3 “(a) IN GENERAL.—The Secretary, in cooperation
4 with the City of Carlsbad, California, and the Carlsbad
5 Municipal Water District, may participate in the design,
6 planning, and construction of the Carlsbad Desalination
7 Demonstration Project.

8 “(b) AGREEMENTS.—The Secretary may enter into
9 such agreements as are necessary to carry out this section.

10 “(c) COST SHARING.—The Federal share of the cost
11 of implementing the project described in subsection (a)
12 shall not exceed 50 percent of the total cost of the project.
13 The limitation in section 1631(d)(1) shall not apply to the
14 project under this section.

15 “(d) LIMITATION.—Funds provided by the Secretary
16 shall not be used for operation and maintenance of the
17 project described in subsection (a).

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 \$50,000,000 (December 2000 prices).

21 **“SEC. 1645. RESEARCH CONCERNING WATER REUSE.**

22 “(a) IN GENERAL.—The Secretary, in cooperation
23 with the WateReuse Foundation, may develop and carry
24 out a program to conduct research concerning water reuse
25 in relation to—

26 “(1) public health;

- 1 “(2) water quality;
- 2 “(3) new technology and techniques;
- 3 “(4) salt management;
- 4 “(5) economics;
- 5 “(6) ecosystem restoration; and
- 6 “(7) other matters relating to the recycling,
- 7 reuse, desalination, and conservation of water.

8 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to carry out this section
10 \$2,500,000 for each of fiscal years 2002 through 2006,
11 to remain available until expended.”.

12 (b) WEST BASIN COMPREHENSIVE DESALINATION
13 DEMONSTRATION PROGRAM AUTHORIZATION.—Section
14 1605 of the Reclamation Wastewater and Groundwater
15 Study and Facilities Act (43 U.S.C. 390h–3) is
16 amended—

17 (1) by redesignating subsection (d) as sub-
18 section (e); and

19 (2) by inserting after subsection (c) the fol-
20 lowing:

21 “(d) WEST BASIN COMPREHENSIVE DESALINATION
22 DEMONSTRATION PROGRAM.—

23 “(1) IN GENERAL.—The Secretary, in coopera-
24 tion with the West Basin Municipal Water District,
25 may participate in the planning, design, and con-

1 construction of the components of the West Basin Com-
2 prehensive Desalination Demonstration Program in
3 Los Angeles County, California.

4 “(2) FEDERAL SHARE.—The Federal share of
5 the cost of the project described in paragraph (1)
6 shall not exceed 50 percent of the total.

7 “(3) LIMITATION.—The Secretary shall not
8 provide funds for the operation or maintenance of
9 the components described in paragraph (1).”.

10 (c) PROJECT MODIFICATIONS.—

11 (1) LOS ANGELES AREA.—Section 1613 of the
12 Reclamation Wastewater and Groundwater Study
13 and Facilities Act (43 U.S.C. 390h–11) is amended
14 by striking subsection (b) and inserting the fol-
15 lowing:

16 “(b) WATER RECYCLING PROJECT.—

17 “(1) IN GENERAL.—The Secretary may partici-
18 pate in the design, planning, and construction of a
19 water recycling project, to be known as the ‘City of
20 Los Angeles Water Recycling Program’, to reclaim
21 and reuse wastewater within the city of Los Angeles
22 and surrounding area for ecosystem restoration, irri-
23 gation, recreational, industrial, and other public pur-
24 poses.

1 “(2) COMPONENTS.—The water recycling
2 project shall consist of—

3 “(A) the central city project, a multiphase
4 project that may provide up to 4,000 acre-feet
5 per year of recycled water for ecosystem res-
6 toration and for industrial, commercial, and ir-
7 rigation customers near downtown Los Angeles;
8 and

9 “(B) the harbor water recycling project, a
10 multiphase project that may provide up to
11 25,000 acre-feet per year of recycled water to
12 the Los Angeles Harbor area.

13 “(c) COST SHARING.—

14 “(1) IN GENERAL.—The Federal share of the
15 cost of the projects described in subsections (a) and
16 (b) shall not exceed 25 percent of the total cost of
17 the projects.

18 “(2) MAXIMUM FEDERAL SHARE.—The Federal
19 share with respect to the water recycling project de-
20 scribed in subsection (b) shall not exceed
21 \$12,000,000.

22 “(d) LIMITATION.—Funds provided by the Secretary
23 shall not be used for operation or maintenance of any
24 project described in subsection (a) or (b).”.

1 (2) INCREASE IN FEDERAL CEILING FOR CER-
2 TAIN PROJECTS.—Section 1631(d) of the Reclama-
3 tion Wastewater and Groundwater Study and Facili-
4 ties Act (43 U.S.C. 390h–13(d)) is amended—

5 (A) by striking so much as precedes para-
6 graph (2) and inserting the following:

7 “(d) CEILING ON FEDERAL SHARE.—

8 “(1) IN GENERAL.—Except as otherwise pro-
9 vided in this title, the Federal share of the costs of
10 each of the individual projects authorized by this
11 title shall not exceed \$20,000,000 (1996 prices).”;

12 (B) in paragraph (2) by striking “In the
13 case of” and inserting “Except as otherwise
14 provided in this title, in the case of”; and

15 (C) by adding at the end the following:

16 “(3) SAN GABRIEL BASIN.—In the case of the
17 project authorized by section 1614, the Federal
18 share of the cost of the project shall not exceed
19 \$50,500,000.

20 “(4) PHASE I OF ORANGE COUNTY REGIONAL
21 WATER RECLAMATION PROJECT.—The Federal share
22 of the costs of the project authorized by section
23 1624 shall not exceed \$40,000,000.”.

24 (e) CLERICAL AMENDMENT.—The table of contents
25 in section 2 of the Reclamation Projects Authorization and

1 Adjustment Act of 1992 (43 U.S.C. prec. 371; Public Law
2 102–575) is amended by adding at the end the following:

- “Sec. 1635. Castaic Lake Water Agency Reclaimed Water Project.
- “Sec. 1636. Clear Lake Basin Water Reuse Project.
- “Sec. 1637. Bay Area Regional Water Recycling Program.
- “Sec. 1638. Inland Empire Regional Water Recycling Project.
- “Sec. 1639. San Pablo Baylands Water Reuse Projects.
- “Sec. 1640. California Water Recycling Program.
- “Sec. 1641. Elsinore Valley Water Recycling Project.
- “Sec. 1642. Lower Chino Dairy Area Desalination Demonstration and Reclamation Project.
- “Sec. 1643. Orange County-Huntington Beach Desalination Project.
- “Sec. 1644. Carlsbad Desalination Demonstration Project.
- “Sec. 1645. Research concerning water reuse.”.

3 **SEC. 204. GROUNDWATER BANKING DEMONSTRATION**
4 **PROJECTS.**

5 (a) IN GENERAL.—The Secretary may undertake a
6 program to investigate, identify opportunities for, and
7 carry out construction of demonstration projects for un-
8 derground water storage in groundwater basins within the
9 jurisdiction of water districts within the Santa Ana River
10 Watershed, California.

11 (b) ELIGIBLE LOCAL AGENCIES.—The Santa Ana
12 Watershed Project Authority and each of its member
13 agencies are eligible to participate with the Secretary in
14 groundwater banking demonstration projects under this
15 section.

16 (c) BASINS DESIGNATED.—Demonstration projects
17 under this section may be conducted in each of the fol-
18 lowing groundwater basins: Orange County, Chino, Bunk-
19 er Hill, San Jacinto, Riverside, and Colton.

1 (d) GROUNDWATER BANKING FEASIBILITY INVES-
2 TIGATIONS.—

3 (1) IN GENERAL.—No funds may be expended
4 for construction of a project under this section
5 until—

6 (A) the Secretary completes, or the non-
7 Federal sponsor of the project submits to the
8 Secretary, a final report on the feasibility of the
9 project in accordance with the requirements of
10 section 201(g) of this title;

11 (B) the Secretary and non-Federal sponsor
12 have entered into an agreement for sharing the
13 construction costs of the project in accordance
14 with subsection (e); and

15 (C) the Secretary determines that the non-
16 Federal project sponsor is financially capable of
17 funding the non-Federal share of the project
18 construction costs.

19 (e) COST SHARING.—

20 (1) IN GENERAL.—Subject to in paragraph (2),
21 the Federal share of the cost of any project under
22 this section shall not exceed 25 percent of the total
23 cost of the project.

24 (2) FEASIBILITY STUDIES.—The Federal share
25 of the cost of any feasibility study under this section

1 shall not exceed 50 percent of the total cost of the
2 study.

3 (3) **MAXIMUM FEDERAL COST.**—The maximum
4 amount of Federal funds that may be expended for
5 a project under this section is \$50,000,000.

6 (f) **RESTRICTION ON FUNDS FOR OPERATION OR**
7 **MAINTENANCE.**—The Secretary shall not provide funds
8 for operation or maintenance of any project for which Fed-
9 eral funds are expended under this section.

10 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) **IN GENERAL.**—There are authorized to be appro-
12 priated to the Secretary—

13 (1) to carry out section 202, \$50,000,000 for
14 each of fiscal years 2002 through 2004; and

15 (3) to carry out section 204, \$50,000,000 for
16 each of fiscal years 2002 through 2006.

17 (b) **AVAILABILITY.**—Amounts appropriated under
18 this title shall remain available until expended.

19 **TITLE III—ENVIRONMENTAL**
20 **RESTORATION PROGRAM**

21 **SEC. 301. REQUIREMENT TO CARRY OUT PROGRAM.**

22 The Secretary shall—

23 (1) develop and implement, in consultation with
24 other Federal agencies, the State, local government
25 agencies, nongovernmental agencies, and the general

1 public, a formal environmental restoration program
2 as generally outlined in the Record of Decision;

3 (2) define measurable performance objectives
4 for the environmental restoration program; and

5 (3) develop and comply with a timeline for im-
6 plementation of the environmental restoration pro-
7 gram.

8 **SEC. 302. PERFORMANCE OBJECTIVES FOR FISH AND WILD-**
9 **LIFE.**

10 (a) IN GENERAL.—The Secretary shall carry out the
11 environmental restoration program in a manner that will
12 meet performance objectives for attaining self-sustaining
13 fish and wildlife populations within watersheds of the Sac-
14 ramento and San Joaquin Rivers, within 10 years after
15 the date of the enactment of this Act.

16 (b) DEVELOPMENT OF OBJECTIVES.—The Secretary
17 shall, by not later than 12 months after the date of the
18 enactment of this Act—

19 (1) develop the performance objectives required
20 by subsection (a); and

21 (2) submit to the Congress a report that de-
22 scribes those objectives.

23 (c) ANNUAL REPORT.—The Secretary shall report
24 annually to the Congress on the progress made in meeting
25 the performance objectives required by subsection (a).

1 **SEC. 303. FUNDING.**

2 (a) **ENSURING REVENUES FROM LOCAL SOURCES.—**

3 The Secretary may cooperate with the State in estab-
4 lishing and implementing a program that will ensure con-
5 tinued revenues from local sources to support the attain-
6 ment of the objectives of the environmental restoration
7 program.

8 (b) **ENSURING LONG-TERM FUNDING.—**The Sec-
9 retary and the head of each Federal agency shall cooperate
10 with the State in developing a set of recommendations for
11 additional funding mechanisms that will ensure long-term
12 funding for the environmental restoration program.

13 (c) **REPORT.—**The Secretary, in consultation with the
14 State and other Federal agencies, shall, by not later than
15 June 30, 2005, submit to the Congress a report proposing
16 a plan to provide sustainable funding for the environ-
17 mental restoration program, including recommendations
18 for obtaining and achieving such funding.

19 **SEC. 304. TIMING OF WATER EXPORTS FROM SACRAMENTO-**
20 **SAN JOAQUIN DELTA.**

21 The Secretary, in cooperation with other Federal
22 agencies and the State, shall manage the timing and quan-
23 tities of water exports from the Sacramento-San Joaquin
24 Delta to minimize the entrainment of and harm to estua-
25 rine and anadromous fish in accordance with the best
26 available science, as determined by a multiagency team

1 consisting of representatives of the United States Fish and
2 Wildlife Service, the National Marine Fisheries Service,
3 and the California Department of Fish and Game.

4 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to the Sec-
6 retary to carry out this title \$200,000,000, to remain
7 available until expended.

○