

AMENDMENT NO. _____ Calendar No. _____

Purpose: To add certain provisions relating to natural resources.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2012

To provide for the modernization of the energy policy of the United States, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. MURKOWSKI (for herself and Ms. CANTWELL) to the amendment (No. 2953) proposed by Ms. MURKOWSKI

Viz:

1 At the end, add the following:

2 **TITLE VI—NATURAL RESOURCES**

3 **Subtitle A—Land Conveyances and**

4 **Related Matters**

5 **SEC. 6001. ARAPAHO NATIONAL FOREST BOUNDARY AD-**

6 **JUSTMENT.**

7 (a) IN GENERAL.—The boundary of the Arapaho Na-
8 tional Forest in the State of Colorado is adjusted to incor-
9 porate the approximately 92.95 acres of land generally de-
10 picted as “The Wedge” on the map entitled “Arapaho Na-
11 tional Forest Boundary Adjustment” and dated November

1 6, 2013, and described as lots three, four, eight, and nine
2 of section 13, Township 4 North, Range 76 West, Sixth
3 Principal Meridian, Colorado. A lot described in this sub-
4 section may be included in the boundary adjustment only
5 after the Secretary of Agriculture obtains written permis-
6 sion for such action from the lot owner or owners.

7 (b) BOWEN GULCH PROTECTION AREA.—The Sec-
8 retary of Agriculture shall include all Federal land within
9 the boundary described in subsection (a) in the Bowen
10 Gulch Protection Area established under section 6 of the
11 Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

12 (c) LAND AND WATER CONSERVATION FUND.—For
13 purposes of section 200306(a)(2)(B)(i) of title 54, United
14 States Code, the boundaries of the Arapaho National For-
15 est, as modified under subsection (a), shall be considered
16 to be the boundaries of the Arapaho National Forest as
17 in existence on January 1, 1965.

18 (d) PUBLIC MOTORIZED USE.—Nothing in this sec-
19 tion opens privately owned lands within the boundary de-
20 scribed in subsection (a) to public motorized use.

21 (e) ACCESS TO NON-FEDERAL LANDS.—Notwith-
22 standing the provisions of section 6(f) of the Colorado Wil-
23 derness Act of 1993 (16 U.S.C. 539j(f)) regarding motor-
24 ized travel, the owners of any non-Federal lands within
25 the boundary described in subsection (a) who historically

1 have accessed their lands through lands now or hereafter
2 owned by the United States within the boundary described
3 in subsection (a) shall have the continued right of motor-
4 ized access to their lands across the existing roadway.

5 **SEC. 6002. LAND CONVEYANCE, ELKHORN RANCH AND**
6 **WHITE RIVER NATIONAL FOREST, COLO-**
7 **RADO.**

8 (a) LAND CONVEYANCE REQUIRED.—Consistent with
9 the purpose of the Act of March 3, 1909 (43 U.S.C. 772),
10 all right, title, and interest of the United States (subject
11 to subsection (b)) in and to a parcel of land consisting
12 of approximately 148 acres as generally depicted on the
13 map entitled “Elkhorn Ranch Land Parcel—White River
14 National Forest” and dated March 2015 shall be conveyed
15 by patent to the Gordman-Leverich Partnership, a Colo-
16 rado Limited Liability Partnership (in this section re-
17 ferred to as “GLP”).

18 (b) EXISTING RIGHTS.—The conveyance under sub-
19 section (a)—

20 (1) is subject to the valid existing rights of the
21 lessee of Federal oil and gas lease COC-75070 and
22 any other valid existing rights; and

23 (2) shall reserve to the United States the right
24 to collect rent and royalty payments on the lease re-

1 ferred to in paragraph (1) for the duration of the
2 lease.

3 (c) **EXISTING BOUNDARIES.**—The conveyance under
4 subsection (a) does not modify the exterior boundary of
5 the White River National Forest or the boundaries of Sec-
6 tions 18 and 19 of Township 7 South, Range 93 West,
7 Sixth Principal Meridian, Colorado, as such boundaries
8 are in effect on the date of the enactment of this Act.

9 (d) **TIME FOR CONVEYANCE; PAYMENT OF COSTS.**—
10 The conveyance directed under subsection (a) shall be
11 completed not later than 180 days after the date of the
12 enactment of this Act. The conveyance shall be without
13 consideration, except that all costs incurred by the Sec-
14 retary of the Interior relating to any survey, platting, legal
15 description, or other activities carried out to prepare and
16 issue the patent shall be paid by GLP to the Secretary
17 prior to the land conveyance.

18 **SEC. 6003. LAND EXCHANGE IN CRAGS, COLORADO.**

19 (a) **PURPOSES.**—The purposes of this section are—

20 (1) to authorize, direct, expedite, and facilitate
21 the land exchange set forth herein; and

22 (2) to promote enhanced public outdoor rec-
23 reational and natural resource conservation opportu-
24 nities in the Pike National Forest near Pikes Peak,

1 Colorado, via acquisition of the non-Federal land
2 and trail easement.

3 (b) DEFINITIONS.—In this section:

4 (1) BHI.—The term “BHI” means Broadmoor
5 Hotel, Inc., a Colorado corporation.

6 (2) FEDERAL LAND.—The term “Federal land”
7 means all right, title, and interest of the United
8 States in and to approximately 83 acres of land
9 within the Pike National Forest, El Paso County,
10 Colorado, together with a non-exclusive perpetual ac-
11 cess easement to BHI to and from such land on
12 Forest Service Road 371, as generally depicted on
13 the map entitled “Proposed Craggs Land Exchange–
14 Federal Parcel–Emerald Valley Ranch”, dated
15 March 2015.

16 (3) NON-FEDERAL LAND.—The term “non-Fed-
17 eral land” means the land and trail easement to be
18 conveyed to the Secretary by BHI in the exchange
19 and is—

20 (A) approximately 320 acres of land within
21 the Pike National Forest, Teller County, Colo-
22 rado, as generally depicted on the map entitled
23 “Proposed Craggs Land Exchange–Non-Federal
24 Parcel–Craggs Property”, dated March 2015;
25 and

1 (B) a permanent trail easement for the
2 Barr Trail in El Paso County, Colorado, as
3 generally depicted on the map entitled “Pro-
4 posed Craggs Land Exchange–Barr Trail Ease-
5 ment to United States”, dated March 2015,
6 and which shall be considered as a voluntary
7 donation to the United States by BHI for all
8 purposes of law.

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of Agriculture, unless otherwise speci-
11 fied.

12 (c) LAND EXCHANGE.—

13 (1) IN GENERAL.—If BHI offers to convey to
14 the Secretary all right, title, and interest of BHI in
15 and to the non-Federal land, the Secretary shall ac-
16 cept the offer and simultaneously convey to BHI the
17 Federal land.

18 (2) LAND TITLE.—Title to the non-Federal
19 land conveyed and donated to the Secretary under
20 this section shall be acceptable to the Secretary and
21 shall conform to the title approval standards of the
22 Attorney General of the United States applicable to
23 land acquisitions by the Federal Government.

24 (3) PERPETUAL ACCESS EASEMENT TO BHI.—
25 The nonexclusive perpetual access easement to be

1 granted to BHI as shown on the map referred to in
2 subsection (b)(2) shall allow—

3 (A) BHI to fully maintain, at BHI's ex-
4 pense, and use Forest Service Road 371 from
5 its junction with Forest Service Road 368 in
6 accordance with historic use and maintenance
7 patterns by BHI; and

8 (B) full and continued public and adminis-
9 trative access and use of FSR 371 in accord-
10 ance with the existing Forest Service travel
11 management plan, or as such plan may be re-
12 vised by the Secretary.

13 (4) ROUTE AND CONDITION OF ROAD.—BHI
14 and the Secretary may mutually agree to improve,
15 relocate, reconstruct, or otherwise alter the route
16 and condition of all or portions of such road as the
17 Secretary, in close consultation with BHI, may de-
18 termine advisable.

19 (5) EXCHANGE COSTS.—BHI shall pay for all
20 land survey, appraisal, and other costs to the Sec-
21 retary as may be necessary to process and consum-
22 mate the exchange directed by this section, including
23 reimbursement to the Secretary, if the Secretary so
24 requests, for staff time spent in such processing and
25 consummation.

1 (d) EQUAL VALUE EXCHANGE AND APPRAISALS.—

2 (1) APPRAISALS.—The values of the lands to be
3 exchanged under this section shall be determined by
4 the Secretary through appraisals performed in ac-
5 cordance with—

6 (A) the Uniform Appraisal Standards for
7 Federal Land Acquisitions;

8 (B) the Uniform Standards of Professional
9 Appraisal Practice;

10 (C) appraisal instructions issued by the
11 Secretary; and

12 (D) shall be performed by an appraiser
13 mutually agreed to by the Secretary and BHI.

14 (2) EQUAL VALUE EXCHANGE.—The values of
15 the Federal and non-Federal land parcels exchanged
16 shall be equal, or if they are not equal, shall be
17 equalized as follows:

18 (A) SURPLUS OF FEDERAL LAND
19 VALUE.—If the final appraised value of the
20 Federal land exceeds the final appraised value
21 of the non-Federal land parcel identified in sub-
22 section (b)(3)(A), BHI shall make a cash
23 equalization payment to the United States as
24 necessary to achieve equal value, including, if
25 necessary, an amount in excess of that author-

1 ized pursuant to section 206(b) of the Federal
2 Land Policy and Management Act of 1976 (43
3 U.S.C. 1716(b)).

4 (B) USE OF FUNDS.—Any cash equali-
5 zation moneys received by the Secretary under
6 subparagraph (A) shall be—

7 (i) deposited in the fund established
8 under Public Law 90–171 (commonly
9 known as the “Sisk Act”; 16 U.S.C. 484a);
10 and

11 (ii) made available to the Secretary
12 for the acquisition of land or interests in
13 land in Region 2 of the Forest Service.

14 (C) SURPLUS OF NON-FEDERAL LAND
15 VALUE.—If the final appraised value of the
16 non-Federal land parcel identified in subsection
17 (b)(3)(A) exceeds the final appraised value of
18 the Federal land, the United States shall not
19 make a cash equalization payment to BHI, and
20 surplus value of the non-Federal land shall be
21 considered a donation by BHI to the United
22 States for all purposes of law.

23 (3) APPRAISAL EXCLUSIONS.—

24 (A) SPECIAL USE PERMIT.—The appraised
25 value of the Federal land parcel shall not reflect

1 any increase or diminution in value due to the
2 special use permit existing on the date of the
3 enactment of this Act to BHI on the parcel and
4 improvements thereunder.

5 (B) BARR TRAIL EASEMENT.—The Barr
6 Trail easement donation identified in subsection
7 (b)(3)(B) shall not be appraised for purposes of
8 this section.

9 (e) MISCELLANEOUS PROVISIONS.—

10 (1) WITHDRAWAL PROVISIONS.—

11 (A) WITHDRAWAL.—Lands acquired by
12 the Secretary under this section shall, without
13 further action by the Secretary, be permanently
14 withdrawn from all forms of appropriation and
15 disposal under the public land laws (including
16 the mining and mineral leasing laws) and the
17 Geothermal Steam Act of 1930 (30 U.S.C.
18 1001 et seq.).

19 (B) WITHDRAWAL REVOCATION.—Any
20 public land order that withdraws the Federal
21 land from appropriation or disposal under a
22 public land law shall be revoked to the extent
23 necessary to permit disposal of the Federal land
24 parcel to BHI.

1 (C) WITHDRAWAL OF FEDERAL LAND.—

2 All Federal land authorized to be exchanged
3 under this section, if not already withdrawn or
4 segregated from appropriation or disposal under
5 the public lands laws upon enactment of this
6 Act, is hereby so withdrawn, subject to valid ex-
7 isting rights, until the date of conveyance of the
8 Federal land to BHI.

9 (2) POSTEXCHANGE LAND MANAGEMENT.—

10 Land acquired by the Secretary under this section
11 shall become part of the Pike-San Isabel National
12 Forest and be managed in accordance with the laws,
13 rules, and regulations applicable to the National
14 Forest System.

15 (3) EXCHANGE TIMETABLE.—It is the intent of
16 Congress that the land exchange directed by this
17 section be consummated no later than 1 year after
18 the date of the enactment of this Act.

19 (4) MAPS, ESTIMATES, AND DESCRIPTIONS.—

20 (A) MINOR ERRORS.—The Secretary and
21 BHI may by mutual agreement make minor
22 boundary adjustments to the Federal and non-
23 Federal lands involved in the exchange, and
24 may correct any minor errors in any map, acre-

1 age estimate, or description of any land to be
2 exchanged.

3 (B) CONFLICT.—If there is a conflict be-
4 tween a map, an acreage estimate, or a descrip-
5 tion of land under this section, the map shall
6 control unless the Secretary and BHI mutually
7 agree otherwise.

8 (C) AVAILABILITY.—Upon enactment of
9 this Act, the Secretary shall file and make
10 available for public inspection in the head-
11 quarters of the Pike-San Isabel National Forest
12 a copy of all maps referred to in this section.

13 **SEC. 6004. CERRO DEL YUTA AND RÍO SAN ANTONIO WIL-**
14 **DERNESS AREAS.**

15 (a) DEFINITIONS.—In this section:

16 (1) MAP.—The term “map” means the map en-
17 titled “Río Grande del Norte National Monument
18 Proposed Wilderness Areas” and dated July 28,
19 2015.

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (3) WILDERNESS AREA.—The term “wilderness
23 area” means a wilderness area designated by sub-
24 section (b)(1).

1 (b) DESIGNATION OF CERRO DEL YUTA AND RÍO
2 SAN ANTONIO WILDERNESS AREAS.—

3 (1) IN GENERAL.—In accordance with the Wil-
4 derness Act (16 U.S.C. 1131 et seq.), the following
5 areas in the Río Grande del Norte National Monu-
6 ment are designated as wilderness and as compo-
7 nents of the National Wilderness Preservation Sys-
8 tem:

9 (A) CERRO DEL YUTA WILDERNESS.—Cer-
10 tain land administered by the Bureau of Land
11 Management in Taos County, New Mexico,
12 comprising approximately 13,420 acres as gen-
13 erally depicted on the map, which shall be
14 known as the “Cerro del Yuta Wilderness”.

15 (B) RÍO SAN ANTONIO WILDERNESS.—Cer-
16 tain land administered by the Bureau of Land
17 Management in Río Arriba County, New Mex-
18 ico, comprising approximately 8,120 acres, as
19 generally depicted on the map, which shall be
20 known as the “Río San Antonio Wilderness”.

21 (2) MANAGEMENT OF WILDERNESS AREAS.—
22 Subject to valid existing rights, the wilderness areas
23 shall be administered in accordance with the Wilder-
24 ness Act (16 U.S.C. 1131 et seq.) and this section,

1 except that with respect to the wilderness areas des-
2 ignated by this subsection—

3 (A) any reference to the effective date of
4 the Wilderness Act shall be considered to be a
5 reference to the date of enactment of this Act;
6 and

7 (B) any reference in the Wilderness Act to
8 the Secretary of Agriculture shall be considered
9 to be a reference to the Secretary.

10 (3) INCORPORATION OF ACQUIRED LAND AND
11 INTERESTS IN LAND.—Any land or interest in land
12 within the boundary of the wilderness areas that is
13 acquired by the United States shall—

14 (A) become part of the wilderness area in
15 which the land is located; and

16 (B) be managed in accordance with—

17 (i) the Wilderness Act (16 U.S.C.
18 1131 et seq.);

19 (ii) this section; and

20 (iii) any other applicable laws.

21 (4) GRAZING.—Grazing of livestock in the wil-
22 derness areas, where established before the date of
23 enactment of this Act, shall be administered in ac-
24 cordance with—

1 (A) section 4(d)(4) of the Wilderness Act
2 (16 U.S.C. 1133(d)(4)); and

3 (B) the guidelines set forth in appendix A
4 of the Report of the Committee on Interior and
5 Insular Affairs to accompany H.R. 2570 of the
6 101st Congress (H. Rept. 101-405).

7 (5) BUFFER ZONES.—

8 (A) IN GENERAL.—Nothing in this section
9 creates a protective perimeter or buffer zone
10 around the wilderness areas.

11 (B) ACTIVITIES OUTSIDE WILDERNESS
12 AREAS.—The fact that an activity or use on
13 land outside a wilderness area can be seen or
14 heard within the wilderness area shall not pre-
15 clude the activity or use outside the boundary
16 of the wilderness area.

17 (6) RELEASE OF WILDERNESS STUDY AREAS.—
18 Congress finds that, for purposes of section 603(c)
19 of the Federal Land Policy and Management Act of
20 1976 (43 U.S.C. 1782(c)), the public land within the
21 San Antonio Wilderness Study Area not designated
22 as wilderness by this subsection—

23 (A) has been adequately studied for wilder-
24 ness designation;

1 (B) is no longer subject to section 603(c)
2 of the Federal Land Policy and Management
3 Act of 1976 (43 U.S.C. 1782(c)); and

4 (C) shall be managed in accordance with
5 this section.

6 (7) MAPS AND LEGAL DESCRIPTIONS.—

7 (A) IN GENERAL.—As soon as practicable
8 after the date of enactment of this Act, the Sec-
9 retary shall file the map and legal descriptions
10 of the wilderness areas with—

11 (i) the Committee on Energy and
12 Natural Resources of the Senate; and

13 (ii) the Committee on Natural Re-
14 sources of the House of Representatives.

15 (B) FORCE OF LAW.—The map and legal
16 descriptions filed under subparagraph (A) shall
17 have the same force and effect as if included in
18 this section, except that the Secretary may cor-
19 rect errors in the legal description and map.

20 (C) PUBLIC AVAILABILITY.—The map and
21 legal descriptions filed under subparagraph (A)
22 shall be on file and available for public inspec-
23 tion in the appropriate offices of the Bureau of
24 Land Management.

1 (8) NATIONAL LANDSCAPE CONSERVATION SYS-
2 TEM.—The wilderness areas shall be administered as
3 components of the National Landscape Conservation
4 System.

5 (9) FISH AND WILDLIFE.—Nothing in this sec-
6 tion affects the jurisdiction of the State of New
7 Mexico with respect to fish and wildlife located on
8 public land in the State.

9 (10) WITHDRAWALS.—Subject to valid existing
10 rights, any Federal land within the wilderness areas
11 designated by paragraph (1), including any land or
12 interest in land that is acquired by the United
13 States after the date of enactment of this Act, is
14 withdrawn from—

15 (A) entry, appropriation, or disposal under
16 the public land laws;

17 (B) location, entry, and patent under the
18 mining laws; and

19 (C) operation of the mineral leasing, min-
20 eral materials, and geothermal leasing laws.

21 (11) TREATY RIGHTS.—Nothing in this section
22 enlarges, diminishes, or otherwise modifies any trea-
23 ty rights.

1 **SEC. 6005. CLARIFICATION RELATING TO A CERTAIN LAND**
2 **DESCRIPTION UNDER THE NORTHERN ARI-**
3 **ZONA LAND EXCHANGE AND VERDE RIVER**
4 **BASIN PARTNERSHIP ACT OF 2005.**

5 Section 104(a)(5) of the Northern Arizona Land Ex-
6 change and Verde River Basin Partnership Act of 2005
7 (Public Law 109–110; 119 Stat. 2356) is amended by in-
8 serting before the period at the end “, which, notwith-
9 standing section 102(a)(4)(B), includes the N¹/₂, NE¹/₄,
10 SW¹/₄, SW¹/₄, the N¹/₂, N¹/₂, SE¹/₄, SW¹/₄, and the N¹/₂,
11 N¹/₂, SW¹/₄, SE¹/₄, sec. 34, T. 22 N., R. 2 E., Gila and
12 Salt River Meridian, Coconino County, comprising ap-
13 proximately 25 acres”.

14 **SEC. 6006. COOPER SPUR LAND EXCHANGE CLARIFICATION**
15 **AMENDMENTS.**

16 Section 1206(a) of the Omnibus Public Land Man-
17 agement Act of 2009 (Public Law 111–11; 123 Stat.
18 1018) is amended—

19 (1) in paragraph (1)—

20 (A) in subparagraph (C), by striking “120
21 acres” and inserting “107 acres”; and

22 (B) in subparagraph (E)(ii), by inserting
23 “improvements,” after “buildings,”; and

24 (2) in paragraph (2)—

25 (A) in subparagraph (D)—

1 (i) in clause (i), by striking “As soon
2 as practicable after the date of enactment
3 of this Act, the Secretary and Mt. Hood
4 Meadows shall select” and inserting “Not
5 later than 120 days after the date of the
6 enactment of the Energy Policy Mod-
7 ernization Act of 2016, the Secretary and
8 Mt. Hood Meadows shall jointly select”;

9 (ii) in clause (ii), in the matter pre-
10 ceding subclause (I), by striking “An ap-
11 praisal under clause (i) shall” and insert-
12 ing “Except as provided under clause (iii),
13 an appraisal under clause (i) shall assign a
14 separate value to each tax lot to allow for
15 the equalization of values and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(iii) FINAL APPRAISED VALUE.—

19 “(I) IN GENERAL.—Subject to
20 subclause (II), after the final ap-
21 praised value of the Federal land and
22 the non-Federal land are determined
23 and approved by the Secretary, the
24 Secretary shall not be required to re-
25 appraise or update the final appraised

1 value for a period of up to 3 years,
2 beginning on the date of the approval
3 by the Secretary of the final appraised
4 value.

5 “(II) EXCEPTION.—Subclause (I)
6 shall not apply if the condition of ei-
7 ther the Federal land or the non-Fed-
8 eral land referred to in subclause (I)
9 is significantly and substantially al-
10 tered by fire, windstorm, or other
11 events.

12 “(iv) PUBLIC REVIEW.—Before com-
13 pleting the land exchange under this Act,
14 the Secretary shall make available for pub-
15 lic review the complete appraisals of the
16 land to be exchanged.”; and

17 (B) by striking subparagraph (G) and in-
18 serting the following:

19 “(G) REQUIRED CONVEYANCE CONDI-
20 TIONS.—Prior to the exchange of the Federal
21 and non-Federal land—

22 “(i) the Secretary and Mt. Hood
23 Meadows may mutually agree for the Sec-
24 retary to reserve a conservation easement
25 to protect the identified wetland in accord-

1 ance with applicable law, subject to the re-
2 quirements that—

3 “(I) the conservation easement
4 shall be consistent with the terms of
5 the September 30, 2015, mediation
6 between the Secretary and Mt. Hood
7 Meadows; and

8 “(II) in order to take effect, the
9 conservation easement shall be final-
10 ized not later than 120 days after the
11 date of enactment of the Energy Pol-
12 icy Modernization Act of 2016; and

13 “(ii) the Secretary shall reserve a 24-
14 foot-wide nonexclusive trail easement at
15 the existing trail locations on the Federal
16 land that retains for the United States ex-
17 isting rights to construct, reconstruct,
18 maintain, and permit nonmotorized use by
19 the public of existing trails subject to the
20 right of the owner of the Federal land—

21 “(I) to cross the trails with
22 roads, utilities, and infrastructure fa-
23 cilities; and

1 “(II) to improve or relocate the
2 trails to accommodate development of
3 the Federal land.

4 “(H) EQUALIZATION OF VALUES.—

5 “(i) IN GENERAL.—Notwithstanding
6 subparagraph (A), in addition to or in lieu
7 of monetary compensation, a lesser area of
8 Federal land or non-Federal land may be
9 conveyed if necessary to equalize appraised
10 values of the exchange properties, without
11 limitation, consistent with the require-
12 ments of this Act and subject to the ap-
13 proval of the Secretary and Mt. Hood
14 Meadows.

15 “(ii) TREATMENT OF CERTAIN COM-
16 PENSATION OR CONVEYANCES AS DONA-
17 TION.—If, after payment of compensation
18 or adjustment of land area subject to ex-
19 change under this Act, the amount by
20 which the appraised value of the land and
21 other property conveyed by Mt. Hood
22 Meadows under subparagraph (A) exceeds
23 the appraised value of the land conveyed
24 by the Secretary under subparagraph (A)

1 shall be considered a donation by Mt.
2 Hood Meadows to the United States.”.

3 **SEC. 6007. EXPEDITED ACCESS TO CERTAIN FEDERAL**
4 **LAND.**

5 (a) DEFINITIONS.—In this section:

6 (1) ELIGIBLE.—The term “eligible”, with re-
7 spect to an organization or individual, means that
8 the organization or individual, respectively, is—

9 (A) acting in a not-for-profit capacity; and

10 (B) composed entirely of members who, at
11 the time of the good Samaritan search-and-re-
12 covery mission, have attained the age of major-
13 ity under the law of the State where the mis-
14 sion takes place.

15 (2) GOOD SAMARITAN SEARCH-AND-RECOVERY
16 MISSION.—The term “good Samaritan search-and-
17 recovery mission” means a search conducted by an
18 eligible organization or individual for 1 or more
19 missing individuals believed to be deceased at the
20 time that the search is initiated.

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior or the Secretary of Ag-
23 riculture, as applicable.

24 (b) PROCESS.—

1 (1) IN GENERAL.—Each Secretary shall develop
2 and implement a process to expedite access to Fed-
3 eral land under the administrative jurisdiction of the
4 Secretary for eligible organizations and individuals
5 to request access to Federal land to conduct good
6 Samaritan search-and-recovery missions.

7 (2) INCLUSIONS.—The process developed and
8 implemented under this subsection shall include pro-
9 visions to clarify that—

10 (A) an eligible organization or individual
11 granted access under this section—

12 (i) shall be acting for private pur-
13 poses; and

14 (ii) shall not be considered to be a
15 Federal volunteer;

16 (B) an eligible organization or individual
17 conducting a good Samaritan search-and-recov-
18 ery mission under this section shall not be con-
19 sidered to be a volunteer under section
20 102301(e) of title 54, United States Code;

21 (C) chapter 171 of title 28, United States
22 Code (commonly known as the “Federal Tort
23 Claims Act”), shall not apply to an eligible or-
24 ganization or individual carrying out a privately

1 requested good Samaritan search-and-recovery
2 mission under this section; and

3 (D) chapter 81 of title 5, United States
4 Code (commonly known as the “Federal Em-
5 ployees Compensation Act”), shall not apply to
6 an eligible organization or individual conducting
7 a good Samaritan search-and-recovery mission
8 under this section, and the conduct of the good
9 Samaritan search-and-recovery mission shall
10 not constitute civilian employment.

11 (c) RELEASE OF FEDERAL GOVERNMENT FROM LI-
12 ABILITY.—The Secretary shall not require an eligible or-
13 ganization or individual to have liability insurance as a
14 condition of accessing Federal land under this section, if
15 the eligible organization or individual—

16 (1) acknowledges and consents, in writing, to
17 the provisions described in subparagraphs (A)
18 through (D) of subsection (b)(2); and

19 (2) signs a waiver releasing the Federal Gov-
20 ernment from all liability relating to the access
21 granted under this section and agrees to indemnify
22 and hold harmless the United States from any
23 claims or lawsuits arising from any conduct by the
24 eligible organization or individual on Federal land.

25 (d) APPROVAL AND DENIAL OF REQUESTS.—

1 (1) IN GENERAL.—The Secretary shall notify
2 an eligible organization or individual of the approval
3 or denial of a request by the eligible organization or
4 individual to carry out a good Samaritan search-
5 and-recovery mission under this section by not later
6 than 48 hours after the request is made.

7 (2) DENIALS.—If the Secretary denies a re-
8 quest from an eligible organization or individual to
9 carry out a good Samaritan search-and-recovery mis-
10 sion under this section, the Secretary shall notify the
11 eligible organization or individual of—

12 (A) the reason for the denial of the re-
13 quest; and

14 (B) any actions that the eligible organiza-
15 tion or individual can take to meet the require-
16 ments for the request to be approved.

17 (e) PARTNERSHIPS.—Each Secretary shall develop
18 search-and-recovery-focused partnerships with search-and-
19 recovery organizations—

20 (1) to coordinate good Samaritan search-and-
21 recovery missions on Federal land under the admin-
22 istrative jurisdiction of the Secretary; and

23 (2) to expedite and accelerate good Samaritan
24 search-and-recovery mission efforts for missing indi-

1 individuals on Federal land under the administrative ju-
2 risdiction of the Secretary.

3 (f) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the Secretaries shall submit to
5 Congress a joint report describing—

6 (1) plans to develop partnerships described in
7 subsection (e)(1); and

8 (2) efforts carried out to expedite and accel-
9 erate good Samaritan search-and-recovery mission
10 efforts for missing individuals on Federal land under
11 the administrative jurisdiction of each Secretary
12 pursuant to subsection (e)(2).

13 **SEC. 6008. BLACK HILLS NATIONAL CEMETERY BOUNDARY**
14 **MODIFICATION.**

15 (a) DEFINITIONS.—In this section:

16 (1) CEMETERY.—The term “Cemetery” means
17 the Black Hills National Cemetery in Sturgis, South
18 Dakota.

19 (2) FEDERAL LAND.—The term “Federal land”
20 means the approximately 200 acres of Bureau of
21 Land Management land adjacent to the Cemetery,
22 generally depicted as “Proposed National Cemetery
23 Expansion” on the map entitled “Proposed Expan-
24 sion of Black Hills National Cemetery-South Da-
25 kota” and dated September 28, 2015.

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

3 (b) TRANSFER AND WITHDRAWAL OF BUREAU OF
4 LAND MANAGEMENT LAND FOR CEMETERY USE.—

5 (1) TRANSFER OF ADMINISTRATIVE JURISDIC-
6 TION.—

7 (A) IN GENERAL.—Subject to valid exist-
8 ing rights, administrative jurisdiction over the
9 Federal land is transferred from the Secretary
10 to the Secretary of Veterans Affairs for use as
11 a national cemetery in accordance with chapter
12 24 of title 38, United States Code.

13 (B) LEGAL DESCRIPTIONS.—

14 (i) IN GENERAL.—As soon as prac-
15 ticable after the date of enactment of this
16 Act, the Secretary shall publish in the Fed-
17 eral Register a notice containing a legal
18 description of the Federal land.

19 (ii) EFFECT.—A legal description
20 published under clause (i) shall have the
21 same force and effect as if included in this
22 section, except that the Secretary may cor-
23 rect any clerical and typographical errors
24 in the legal description.

1 (iii) AVAILABILITY.—Copies of the
2 legal description published under clause (i)
3 shall be available for public inspection in
4 the appropriate offices of—

5 (I) the Bureau of Land Manage-
6 ment; and

7 (II) the National Cemetery Ad-
8 ministration.

9 (iv) COSTS.—The Secretary of Vet-
10 erans Affairs shall reimburse the Secretary
11 for the costs incurred by the Secretary in
12 carrying out this subparagraph, including
13 the costs of any surveys and other reason-
14 able costs.

15 (2) WITHDRAWAL.—Subject to valid existing
16 rights, for any period during which the Federal land
17 is under the administrative jurisdiction of the Sec-
18 retary of Veterans Affairs, the Federal land—

19 (A) is withdrawn from all forms of appro-
20 priation under the public land laws, including
21 the mining laws, the mineral leasing laws, and
22 the geothermal leasing laws; and

23 (B) shall be treated as property as defined
24 under section 102(9) of title 40, United States
25 Code.

1 (3) BOUNDARY MODIFICATION.—The boundary
2 of the Cemetery is modified to include the Federal
3 land.

4 (4) MODIFICATION OF PUBLIC LAND ORDER.—
5 Public Land Order 2112, dated June 6, 1960 (25
6 Fed. Reg. 5243), is modified to exclude the Federal
7 land.

8 (c) SUBSEQUENT TRANSFER OF ADMINISTRATIVE
9 JURISDICTION.—

10 (1) NOTICE.—On a determination by the Sec-
11 retary of Veterans Affairs that all or a portion of
12 the Federal land is not being used for purposes of
13 the Cemetery, the Secretary of Veterans Affairs
14 shall notify the Secretary of the determination.

15 (2) TRANSFER OF ADMINISTRATIVE JURISDIC-
16 TION.—Subject to paragraphs (3) and (4), the Sec-
17 retary of Veterans Affairs shall transfer to the Sec-
18 retary administrative jurisdiction over the Federal
19 land subject to a notice under paragraph (1).

20 (3) DECONTAMINATION.—The Secretary of Vet-
21 erans Affairs shall be responsible for the costs of
22 any decontamination of the Federal land subject to
23 a notice under paragraph (1) that the Secretary de-
24 termines to be necessary for the Federal land to be
25 restored to public land status.

1 (4) RESTORATION TO PUBLIC LAND STATUS.—

2 The Federal land subject to a notice under para-
3 graph (1) shall only be restored to public land status
4 on—

5 (A) acceptance by the Secretary of the
6 Federal land subject to the notice; and

7 (B) a determination by the Secretary that
8 the Federal land subject to the notice is suit-
9 able for—

10 (i) restoration to public land status;

11 and

12 (ii) the operation of 1 or more of the
13 public land laws with respect to the Fed-
14 eral land.

15 (5) ORDER.—If the Secretary accepts the Fed-
16 eral land under paragraph (4)(A) and makes a de-
17 termination of suitability under paragraph (4)(B),
18 the Secretary may—

19 (A) open the accepted Federal land to op-
20 eration of 1 or more of the public land laws;
21 and

22 (B) issue an order to carry out the opening
23 authorized under subparagraph (A).

1 **Subtitle B—National Park Manage-**
2 **ment, Studies, and Related Mat-**
3 **ters**

4 **SEC. 6101. REFUND OF FUNDS USED BY STATES TO OPER-**
5 **ATE NATIONAL PARKS DURING SHUTDOWN.**

6 (a) IN GENERAL.—The Director of the National
7 Park Service shall refund to each State all funds of the
8 State that were used to reopen and temporarily operate
9 a unit of the National Park System during the period in
10 October 2013 in which there was a lapse in appropriations
11 for the unit.

12 (b) FUNDING.—Funds of the National Park Service
13 that are appropriated after the date of enactment of this
14 Act shall be used to carry out this section.

15 **SEC. 6102. LOWER FARMINGTON AND SALMON BROOK REC-**
16 **REATIONAL RIVERS.**

17 (a) DESIGNATION.—Section 3(a) of the Wild and
18 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
19 ing at the end the following new paragraph:

20 “(213) LOWER FARMINGTON RIVER AND SALM-
21 ON BROOK, CONNECTICUT.—Segments of the main
22 stem and its tributary, Salmon Brook, totaling ap-
23 proximately 62 miles, to be administered by the Sec-
24 retary of the Interior as follows:

1 “(A) The approximately 27.2-mile segment
2 of the Farmington River beginning 0.2 miles
3 below the tailrace of the Lower Collinsville Dam
4 and extending to the site of the Spoonville Dam
5 in Bloomfield and East Granby as a rec-
6 reational river.

7 “(B) The approximately 8.1-mile segment
8 of the Farmington River extending from 0.5
9 miles below the Rainbow Dam to the confluence
10 with the Connecticut River in Windsor as a rec-
11 reational river.

12 “(C) The approximately 2.4-mile segment
13 of the main stem of Salmon Brook extending
14 from the confluence of the East and West
15 Branches to the confluence with the Farm-
16 ington River as a recreational river.

17 “(D) The approximately 12.6-mile segment
18 of the West Branch of Salmon Brook extending
19 from its headwaters in Hartland, Connecticut
20 to its confluence with the East Branch of Salm-
21 on Brook as a recreational river.

22 “(E) The approximately 11.4-mile segment
23 of the East Branch of Salmon Brook extending
24 from the Massachusetts-Connecticut State line

1 to the confluence with the West Branch of
2 Salmon Brook as a recreational river.”.

3 (b) MANAGEMENT.—

4 (1) IN GENERAL.—The river segments des-
5 ignated by subsection (a) shall be managed in ac-
6 cordance with the management plan and such
7 amendments to the management plan as the Sec-
8 retary determines are consistent with this section.
9 The management plan shall be deemed to satisfy the
10 requirements for a comprehensive management plan
11 pursuant to section 3(d) of the Wild and Scenic Riv-
12 ers Act (16 U.S.C. 1274(d)).

13 (2) COMMITTEE.—The Secretary shall coordi-
14 nate the management responsibilities of the Sec-
15 retary under this section with the Lower Farm-
16 ington River and Salmon Brook Wild and Scenic
17 Committee, as specified in the management plan.

18 (3) COOPERATIVE AGREEMENTS.—

19 (A) IN GENERAL.—In order to provide for
20 the long-term protection, preservation, and en-
21 hancement of the river segment designated by
22 subsection (a), the Secretary is authorized to
23 enter into cooperative agreements pursuant to
24 sections 10(e) and 11(b)(1) of the Wild and
25 Scenic Rivers Act with—

- 1 (i) the State of Connecticut;
- 2 (ii) the towns of Avon, Bloomfield,
- 3 Burlington, East Granby, Farmington,
- 4 Granby, Hartland, Simsbury, and Windsor
- 5 in Connecticut; and
- 6 (iii) appropriate local planning and
- 7 environmental organizations.

8 (B) CONSISTENCY.—All cooperative agree-

9 ments provided for under this section shall be

10 consistent with the management plan and may

11 include provisions for financial or other assist-

12 ance from the United States.

13 (4) LAND MANAGEMENT.—

14 (A) ZONING ORDINANCES.—For the pur-

15 poses of the segments designated in subsection

16 (a), the zoning ordinances adopted by the towns

17 in Avon, Bloomfield, Burlington, East Granby,

18 Farmington, Granby, Hartland, Simsbury, and

19 Windsor in Connecticut, including provisions for

20 conservation of floodplains, wetlands and water-

21 courses associated with the segments, shall be

22 deemed to satisfy the standards and require-

23 ments of section 6(c) of the Wild and Scenic

24 Rivers Act (16 U.S.C. 1277(c)).

1 (B) ACQUISITION OF LAND.—The provi-
2 sions of section 6(c) of the Wild and Scenic
3 Rivers Act (16 U.S.C. 1277(c)) that prohibit
4 Federal acquisition of lands by condemnation
5 shall apply to the segments designated in sub-
6 section (a). The authority of the Secretary to
7 acquire lands for the purposes of the segments
8 designated in subsection (a) shall be limited to
9 acquisition by donation or acquisition with the
10 consent of the owner of the lands, and shall be
11 subject to the additional criteria set forth in the
12 management plan.

13 (5) RAINBOW DAM.—The designation made by
14 subsection (a) shall not be construed to—

15 (A) prohibit, pre-empt, or abridge the po-
16 tential future licensing of the Rainbow Dam
17 and Reservoir (including any and all aspects of
18 its facilities, operations and transmission lines)
19 by the Federal Energy Regulatory Commission
20 as a federally licensed hydroelectric generation
21 project under the Federal Power Act, provided
22 that the Commission may, in the discretion of
23 the Commission and consistent with this sec-
24 tion, establish such reasonable terms and condi-
25 tions in a hydropower license for Rainbow Dam

1 as are necessary to reduce impacts identified by
2 the Secretary as invading or unreasonably di-
3 minishing the scenic, recreational, and fish and
4 wildlife values of the segments designated by
5 subsection (a); or

6 (B) affect the operation of, or impose any
7 flow or release requirements on, the unlicensed
8 hydroelectric facility at Rainbow Dam and Res-
9 ervoir.

10 (6) RELATION TO NATIONAL PARK SYSTEM.—

11 Notwithstanding section 10(c) of the Wild and Sce-
12 nic Rivers Act (16 U.S.C. 1281(c)), the Lower
13 Farmington River shall not be administered as part
14 of the National Park System or be subject to regula-
15 tions which govern the National Park System.

16 (c) FARMINGTON RIVER, CONNECTICUT, DESIGNA-

17 TION REVISION.—Section 3(a)(156) of the Wild and Sce-

18 nic Rivers Act (16 U.S.C. 1274(a)) is amended in the first

19 sentence—

20 (1) by striking “14-mile” and inserting “15.1-
21 mile”; and

22 (2) by striking “to the downstream end of the
23 New Hartford-Canton, Connecticut town line” and
24 inserting “to the confluence with the Nepaug River”.

25 (d) DEFINITIONS.—For the purposes of this section:

1 (1) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan prepared
3 by the Salmon Brook Wild and Scenic Study Com-
4 mittee entitled the “Lower Farmington River and
5 Salmon Brook Management Plan” and dated June
6 2011.

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 **SEC. 6103. SPECIAL RESOURCE STUDY OF PRESIDENT**
10 **STREET STATION.**

11 (a) DEFINITIONS.—In this section:

12 (1) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (2) STUDY AREA.—The term “study area”
15 means the President Street Station, a railroad ter-
16 minal in Baltimore, Maryland, the history of which
17 is tied to the growth of the railroad industry in the
18 19th century, the Civil War, the Underground Rail-
19 road, and the immigrant influx of the early 20th
20 century.

21 (b) SPECIAL RESOURCE STUDY.—

22 (1) STUDY.—The Secretary shall conduct a spe-
23 cial resource study of the study area.

24 (2) CONTENTS.—In conducting the study under
25 paragraph (1), the Secretary shall—

1 (A) evaluate the national significance of
2 the study area;

3 (B) determine the suitability and feasibility
4 of designating the study area as a unit of the
5 National Park System;

6 (C) consider other alternatives for preser-
7 vation, protection, and interpretation of the
8 study area by the Federal Government, State or
9 local government entities, or private and non-
10 profit organizations;

11 (D) consult with interested Federal agen-
12 cies, State or local governmental entities, pri-
13 vate and nonprofit organizations, or any other
14 interested individuals; and

15 (E) identify cost estimates for any Federal
16 acquisition, development, interpretation, oper-
17 ation, and maintenance associated with the al-
18 ternatives.

19 (3) APPLICABLE LAW.—The study required
20 under paragraph (1) shall be conducted in accord-
21 ance with section 100507 of title 54, United States
22 Code.

23 (4) REPORT.—Not later than 3 years after the
24 date on which funds are first made available for the
25 study under paragraph (1), the Secretary shall sub-

1 mit to the Committee on Natural Resources of the
2 House of Representatives and the Committee on En-
3 ergy and Natural Resources of the Senate a report
4 that describes—

5 (A) the results of the study; and

6 (B) any conclusions and recommendations
7 of the Secretary.

8 **SEC. 6104. SPECIAL RESOURCE STUDY OF THURGOOD MAR-**
9 **SHALL'S ELEMENTARY SCHOOL.**

10 (a) DEFINITIONS.—In this section:

11 (1) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (2) STUDY AREA.—The term “study area”
14 means—

15 (A) P.S. 103, the public school located in
16 West Baltimore, Maryland, which Thurgood
17 Marshall attended as a youth; and

18 (B) any other resources in the neighbor-
19 hood surrounding P.S. 103 that relate to the
20 early life of Thurgood Marshall.

21 (b) SPECIAL RESOURCE STUDY.—

22 (1) STUDY.—The Secretary shall conduct a spe-
23 cial resource study of the study area.

24 (2) CONTENTS.—In conducting the study under
25 paragraph (1), the Secretary shall—

1 (A) evaluate the national significance of
2 the study area;

3 (B) determine the suitability and feasibility
4 of designating the study area as a unit of the
5 National Park System;

6 (C) consider other alternatives for preser-
7 vation, protection, and interpretation of the
8 study area by the Federal Government, State or
9 local government entities, or private and non-
10 profit organizations;

11 (D) consult with interested Federal agen-
12 cies, State or local governmental entities, pri-
13 vate and nonprofit organizations, or any other
14 interested individuals; and

15 (E) identify cost estimates for any Federal
16 acquisition, development, interpretation, oper-
17 ation, and maintenance associated with the al-
18 ternatives.

19 (3) APPLICABLE LAW.—The study required
20 under paragraph (1) shall be conducted in accord-
21 ance with section 100507 of title 54, United States
22 Code.

23 (4) REPORT.—Not later than 3 years after the
24 date on which funds are first made available to carry
25 out the study under paragraph (1), the Secretary

1 shall submit to the Committee on Natural Resources
2 of the House of Representatives and the Committee
3 on Energy and Natural Resources of the Senate a
4 report that describes—

5 (A) the results of the study; and

6 (B) any conclusions and recommendations
7 of the Secretary.

8 **SEC. 6105. SPECIAL RESOURCE STUDY OF JAMES K. POLK**
9 **PRESIDENTIAL HOME.**

10 (a) IN GENERAL.—The Secretary of the Interior (re-
11 ferred to in this section as the “Secretary”) shall conduct
12 a special resource study of the site of the James K. Polk
13 Home in Columbia, Tennessee, and adjacent property (re-
14 ferred to in this section as the “site”).

15 (b) CRITERIA.—The Secretary shall conduct the
16 study under subsection (a) in accordance with section
17 100507 of title 54, United States Code.

18 (c) CONTENTS.—In conducting the study under sub-
19 section (a), the Secretary shall—

20 (1) evaluate the national significance of the
21 site;

22 (2) determine the suitability and feasibility of
23 designating the site as a unit of the National Park
24 System;

1 (3) include cost estimates for any necessary ac-
2 quisition, development, operation, and maintenance
3 of the site;

4 (4) consult with interested Federal, State, or
5 local governmental entities, private and nonprofit or-
6 ganizations, or other interested individuals; and

7 (5) identify alternatives for the management,
8 administration, and protection of the site.

9 (d) REPORT.—Not later than 3 years after the date
10 on which funds are made available to carry out the study
11 under subsection (a), the Secretary shall submit to the
12 Committee on Natural Resources of the House of Rep-
13 resentatives and the Committee on Energy and Natural
14 Resources of the Senate a report that describes—

15 (1) the findings and conclusions of the study;

16 and

17 (2) any recommendations of the Secretary.

18 **SEC. 6106. NORTH COUNTRY NATIONAL SCENIC TRAIL**

19 **ROUTE ADJUSTMENT.**

20 (a) ROUTE ADJUSTMENT.—Section 5(a)(8) of the
21 National Trails System Act (16 U.S.C. 1244(a)(8)) is
22 amended in the first sentence—

23 (1) by striking “thirty two hundred miles, ex-
24 tending from eastern New York State” and inserting

1 “4,600 miles, extending from the Appalachian Trail
2 in Vermont”; and

3 (2) by striking “Proposed North Country Trail”
4 and all that follows through “June 1975.” and in-
5 serting “‘North Country National Scenic Trail, Au-
6 thorized Route’ dated February 2014, and numbered
7 649/116870.”.

8 (b) NO CONDEMNATION.—Section 5(a)(8) of the Na-
9 tional Trails System Act (16 U.S.C. 1244(a)(8)) is
10 amended by adding at the end the following: “No land
11 or interest in land outside of the exterior boundary of any
12 Federally administered area may be acquired by the Fed-
13 eral Government for the trail by condemnation.”.

14 **SEC. 6107. DESIGNATION OF JAY S. HAMMOND WILDERNESS**
15 **AREA.**

16 (a) DESIGNATION.—The approximately 2,600,000
17 acres of National Wilderness Preservation System land lo-
18 cated within the Lake Clark National Park and Preserve
19 designated by section 201(e)(7)(a) of the Alaska National
20 Interest Lands Conservation Act (16 U.S.C.
21 410hh(e)(7)(a)) shall be known and designated as the
22 “Jay S. Hammond Wilderness Area”.

23 (b) REFERENCES.—Any reference in a law, map, reg-
24 ulation, document, paper, or other record of the United
25 States to the wilderness area referred to in subsection (a)

1 shall be deemed to be a reference to the “Jay S. Ham-
2 mond Wilderness Area”.

3 **SEC. 6108. ADVISORY COUNCIL ON HISTORIC PRESERVA-**
4 **TION.**

5 Section 304101(a) of title 54, United States Code,
6 is amended—

7 (1) by redesignating paragraphs (8), (9), (10),
8 and (11) as paragraphs (9), (10), (11), and (12), re-
9 spectively; and

10 (2) by inserting after paragraph (7) the fol-
11 lowing:

12 “(8) The General Chairman of the National As-
13 sociation of Tribal Historic Preservation Officers.”.

14 **SEC. 6109. ESTABLISHMENT OF A VISITOR SERVICES FACIL-**
15 **ITY ON THE ARLINGTON RIDGE TRACT.**

16 (a) DEFINITION OF ARLINGTON RIDGE TRACT.—In
17 this section, the term “Arlington Ridge tract” means the
18 parcel of Federal land located in Arlington County, Vir-
19 ginia, known as the “Nevius Tract” and transferred to
20 the Department of the Interior in 1953, that is bounded
21 generally by—

22 (1) Arlington Boulevard (United States Route
23 50) to the north;

24 (2) Jefferson Davis Highway (Virginia Route
25 110) to the east;

1 (3) Marshall Drive to the south; and

2 (4) North Meade Street to the west.

3 (b) ESTABLISHMENT OF VISITOR SERVICES FACIL-
4 ITY.—Notwithstanding section 2863(g) of the Military
5 Construction Authorization Act for Fiscal Year 2002
6 (Public Law 107–107; 115 Stat. 1332), the Secretary of
7 the Interior may construct a structure for visitor services
8 to include a public restroom facility on the Arlington
9 Ridge tract in the area of the United States Marine Corps
10 War Memorial.

11 **Subtitle C—Sportsmen’s Access**
12 **and Land Management Issues**

13 **PART I—NATIONAL POLICY**

14 **SEC. 6201. CONGRESSIONAL DECLARATION OF NATIONAL**
15 **POLICY.**

16 (a) IN GENERAL.—Congress declares that it is the
17 policy of the United States that Federal departments and
18 agencies, in accordance with the missions of the depart-
19 ments and agencies, Executive Orders 12962 and 13443
20 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537
21 (August 16, 2007)), and applicable law, shall—

22 (1) facilitate the expansion and enhancement of
23 hunting, fishing, and recreational shooting opportu-
24 nities on Federal land, in consultation with the
25 Wildlife and Hunting Heritage Conservation Coun-

1 cil, the Sport Fishing and Boating Partnership
2 Council, State and tribal fish and wildlife agencies,
3 and the public;

4 (2) conserve and enhance aquatic systems and
5 the management of game species and the habitat of
6 those species on Federal land, including through
7 hunting and fishing, in a manner that respects—

8 (A) State management authority over wild-
9 life resources; and

10 (B) private property rights; and

11 (3) consider hunting, fishing, and recreational
12 shooting opportunities as part of all Federal plans
13 for land, resource, and travel management.

14 (b) EXCLUSION.—In this subtitle, the term “fishing”
15 does not include commercial fishing in which fish are har-
16 vested, either in whole or in part, that are intended to
17 enter commerce through sale.

18 **PART II—SPORTSMEN’S ACCESS TO FEDERAL**

19 **LAND**

20 **SEC. 6211. DEFINITIONS.**

21 In this part:

22 (1) FEDERAL LAND.—The term “Federal land”
23 means—

24 (A) any land in the National Forest Sys-
25 tem (as defined in section 11(a) of the Forest

1 and Rangeland Renewable Resources Planning
2 Act of 1974 (16 U.S.C. 1609(a)) that is ad-
3 ministered by the Secretary of Agriculture, act-
4 ing through the Chief of the Forest Service;
5 and

6 (B) public lands (as defined in section 103
7 of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1702)), the surface of
9 which is administered by the Secretary of the
10 Interior, acting through the Director of the Bu-
11 reau of Land Management.

12 (2) SECRETARY CONCERNED.—The term “Sec-
13 retary concerned” means—

14 (A) the Secretary of Agriculture, with re-
15 spect to land described in paragraph (1)(A);
16 and

17 (B) the Secretary of the Interior, with re-
18 spect to land described in paragraph (1)(B).

19 **SEC. 6212. FEDERAL LAND OPEN TO HUNTING, FISHING,**
20 **AND RECREATIONAL SHOOTING.**

21 (a) IN GENERAL.—Subject to subsection (b), Federal
22 land shall be open to hunting, fishing, and recreational
23 shooting, in accordance with applicable law, unless the
24 Secretary concerned closes an area in accordance with sec-
25 tion 6213.

1 (b) EFFECT OF PART.—Nothing in this part opens
2 to hunting, fishing, or recreational shooting any land that
3 is not open to those activities as of the date of enactment
4 of this Act.

5 **SEC. 6213. CLOSURE OF FEDERAL LAND TO HUNTING, FISH-**
6 **ING, AND RECREATIONAL SHOOTING.**

7 (a) AUTHORIZATION.—

8 (1) IN GENERAL.—Subject to paragraph (2)
9 and in accordance with section 302(b) of the Federal
10 Land Policy and Management Act of 1976 (43
11 U.S.C. 1732(b)), the Secretary concerned may des-
12 ignate any area on Federal land in which, and estab-
13 lish any period during which, for reasons of public
14 safety, administration, or compliance with applicable
15 laws, no hunting, fishing, or recreational shooting
16 shall be permitted.

17 (2) REQUIREMENT.—In making a designation
18 under paragraph (1), the Secretary concerned shall
19 designate the smallest area for the least amount of
20 time that is required for public safety, administra-
21 tion, or compliance with applicable laws.

22 (b) CLOSURE PROCEDURES.—

23 (1) IN GENERAL.—Except in an emergency, be-
24 fore permanently or temporarily closing any Federal

1 land to hunting, fishing, or recreational shooting,
2 the Secretary concerned shall—

3 (A) consult with State fish and wildlife
4 agencies; and

5 (B) provide public notice and opportunity
6 for comment under paragraph (2).

7 (2) PUBLIC NOTICE AND COMMENT.—

8 (A) IN GENERAL.—Public notice and com-
9 ment shall include—

10 (i) a notice of intent—

11 (I) published in advance of the
12 public comment period for the clo-
13 sure—

14 (aa) in the Federal Register;

15 (bb) on the website of the
16 applicable Federal agency;

17 (cc) on the website of the
18 Federal land unit, if available;

19 and

20 (dd) in at least 1 local news-
21 paper;

22 (II) made available in advance of
23 the public comment period to local of-
24 fices, chapters, and affiliate organiza-
25 tions in the vicinity of the closure that

1 are signatories to the memorandum of
2 understanding entitled “Federal
3 Lands Hunting, Fishing, and Shoot-
4 ing Sports Roundtable Memorandum
5 of Understanding”; and

6 (III) that describes—

7 (aa) the proposed closure;

8 and

9 (bb) the justification for the
10 proposed closure, including an
11 explanation of the reasons and
12 necessity for the decision to close
13 the area to hunting, fishing, or
14 recreational shooting; and

15 (ii) an opportunity for public comment
16 for a period of—

17 (I) not less than 60 days for a
18 permanent closure; or

19 (II) not less than 30 days for a
20 temporary closure.

21 (B) FINAL DECISION.—In a final decision
22 to permanently or temporarily close an area to
23 hunting, fishing, or recreation shooting, the
24 Secretary concerned shall—

1 (i) respond in a reasoned manner to
2 the comments received;

3 (ii) explain how the Secretary con-
4 cerned resolved any significant issues
5 raised by the comments; and

6 (iii) show how the resolution led to
7 the closure.

8 (c) TEMPORARY CLOSURES.—

9 (1) IN GENERAL.—A temporary closure under
10 this section may not exceed a period of 180 days.

11 (2) RENEWAL.—Except in an emergency, a
12 temporary closure for the same area of land closed
13 to the same activities—

14 (A) may not be renewed more than 3 times
15 after the first temporary closure; and

16 (B) must be subject to a separate notice
17 and comment procedure in accordance with sub-
18 section (b)(2).

19 (3) EFFECT OF TEMPORARY CLOSURE.—Any
20 Federal land that is temporarily closed to hunting,
21 fishing, or recreational shooting under this section
22 shall not become permanently closed to that activity
23 without a separate public notice and opportunity to
24 comment in accordance with subsection (b)(2).

1 (d) REPORTING.—On an annual basis, the Secre-
2 taries concerned shall—

3 (1) publish on a public website a list of all
4 areas of Federal land temporarily or permanently
5 subject to a closure under this section; and

6 (2) submit to the Committee on Energy and
7 Natural Resources and the Committee on Agri-
8 culture, Nutrition, and Forestry of the Senate and
9 the Committee on Natural Resources and the Com-
10 mittee on Agriculture of the House of Representa-
11 tives a report that identifies—

12 (A) a list of each area of Federal land tem-
13 porarily or permanently subject to a closure;

14 (B) the acreage of each closure; and

15 (C) a survey of—

16 (i) the aggregate areas and acreage
17 closed under this section in each State;
18 and

19 (ii) the percentage of Federal land in
20 each State closed under this section with
21 respect to hunting, fishing, and rec-
22 reational shooting.

23 (e) APPLICATION.—This section shall not apply if the
24 closure is—

25 (1) less than 14 days in duration; and

1 (2) covered by a special use permit.

2 **SEC. 6214. SHOOTING RANGES.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), the Secretary concerned may, in accordance with this
5 section and other applicable law, lease or permit the use
6 of Federal land for a shooting range.

7 (b) EXCEPTION.—The Secretary concerned shall not
8 lease or permit the use of Federal land for a shooting
9 range, within—

10 (1) a component of the National Landscape
11 Conservation System;

12 (2) a component of the National Wilderness
13 Preservation System;

14 (3) any area that is—

15 (A) designated as a wilderness study area;

16 (B) administratively classified as—

17 (i) wilderness-eligible; or

18 (ii) wilderness-suitable; or

19 (C) a primitive or semiprimitive area;

20 (4) a national monument, national volcanic
21 monument, or national scenic area; or

22 (5) a component of the National Wild and Sce-
23 nic Rivers System (including areas designated for
24 study for potential addition to the National Wild
25 and Scenic Rivers System).

1 **SEC. 6215. FEDERAL ACTION TRANSPARENCY.**

2 (a) MODIFICATION OF EQUAL ACCESS TO JUSTICE
3 PROVISIONS.—

4 (1) AGENCY PROCEEDINGS.—Section 504 of
5 title 5, United States Code, is amended—

6 (A) in subsection (c)(1), by striking “,
7 United States Code”;

8 (B) by redesignating subsection (f) as sub-
9 section (i); and

10 (C) by striking subsection (e) and inserting
11 the following:

12 “(e)(1) Not later than March 31 of the first fiscal
13 year beginning after the date of enactment of the Energy
14 Policy Modernization Act of 2016, and every fiscal year
15 thereafter, the Chairman of the Administrative Conference
16 of the United States, after consultation with the Chief
17 Counsel for Advocacy of the Small Business Administra-
18 tion, shall submit to Congress and make publicly available
19 online a report on the amount of fees and other expenses
20 awarded during the preceding fiscal year under this sec-
21 tion.

22 “(2) Each report under paragraph (1) shall describe
23 the number, nature, and amount of the awards, the claims
24 involved in the controversy, and any other relevant infor-
25 mation that may aid Congress in evaluating the scope and
26 impact of such awards.

1 “(3)(A) Each report under paragraph (1) shall ac-
2 count for all payments of fees and other expenses awarded
3 under this section that are made pursuant to a settlement
4 agreement, regardless of whether the settlement agree-
5 ment is sealed or otherwise subject to a nondisclosure pro-
6 vision.

7 “(B) The disclosure of fees and other expenses re-
8 quired under subparagraph (A) shall not affect any other
9 information that is subject to a nondisclosure provision in
10 a settlement agreement.

11 “(f) As soon as practicable, and in any event not later
12 than the date on which the first report under subsection
13 (e)(1) is required to be submitted, the Chairman of the
14 Administrative Conference of the United States shall cre-
15 ate and maintain online a searchable database containing,
16 with respect to each award of fees and other expenses
17 under this section made on or after the date of enactment
18 of the Energy Policy Modernization Act of 2016, the fol-
19 lowing information:

20 “(1) The case name and number of the adver-
21 sary adjudication, if available, hyperlinked to the
22 case, if available.

23 “(2) The name of the agency involved in the
24 adversary adjudication.

1 “(3) A description of the claims in the adver-
2 sary adjudication.

3 “(4) The name of each party to whom the
4 award was made as such party is identified in the
5 order or other court document making the award.

6 “(5) The amount of the award.

7 “(6) The basis for the finding that the position
8 of the agency concerned was not substantially justi-
9 fied.

10 “(g) The online searchable database described in sub-
11 section (f) may not reveal any information the disclosure
12 of which is prohibited by law or a court order.

13 “(h) The head of each agency shall provide to the
14 Chairman of the Administrative Conference of the United
15 States in a timely manner all information requested by
16 the Chairman to comply with the requirements of sub-
17 sections (e), (f), and (g).”.

18 (2) COURT CASES.—Section 2412(d) of title 28,
19 United States Code, is amended by adding at the
20 end the following:

21 “(5)(A) Not later than March 31 of the first fiscal
22 year beginning after the date of enactment of the Energy
23 Policy Modernization Act of 2016, and every fiscal year
24 thereafter, the Chairman of the Administrative Conference
25 of the United States shall submit to Congress and make

1 publicly available online a report on the amount of fees
2 and other expenses awarded during the preceding fiscal
3 year pursuant to this subsection.

4 “(B) Each report under subparagraph (A) shall de-
5 scribe the number, nature, and amount of the awards, the
6 claims involved in the controversy, and any other relevant
7 information that may aid Congress in evaluating the scope
8 and impact of such awards.

9 “(C)(i) Each report under subparagraph (A) shall ac-
10 count for all payments of fees and other expenses awarded
11 under this subsection that are made pursuant to a settle-
12 ment agreement, regardless of whether the settlement
13 agreement is sealed or otherwise subject to a nondisclosure
14 provision.

15 “(ii) The disclosure of fees and other expenses re-
16 quired under clause (i) shall not affect any other informa-
17 tion that is subject to a nondisclosure provision in a settle-
18 ment agreement.

19 “(D) The Chairman of the Administrative Conference
20 of the United States shall include and clearly identify in
21 each annual report under subparagraph (A), for each case
22 in which an award of fees and other expenses is included
23 in the report—

24 “(i) any amounts paid under section 1304 of
25 title 31 for a judgment in the case;

1 “(ii) the amount of the award of fees and other
2 expenses; and

3 “(iii) the statute under which the plaintiff filed
4 suit.

5 “(6) As soon as practicable, and in any event not
6 later than the date on which the first report under para-
7 graph (5)(A) is required to be submitted, the Chairman
8 of the Administrative Conference of the United States
9 shall create and maintain online a searchable database
10 containing, with respect to each award of fees and other
11 expenses under this subsection made on or after the date
12 of enactment of the Energy Policy Modernization Act of
13 2016, the following information:

14 “(A) The case name and number, hyperlinked
15 to the case, if available.

16 “(B) The name of the agency involved in the
17 case.

18 “(C) The name of each party to whom the
19 award was made as such party is identified in the
20 order or other court document making the award.

21 “(D) A description of the claims in the case.

22 “(E) The amount of the award.

23 “(F) The basis for the finding that the position
24 of the agency concerned was not substantially justi-
25 fied.

1 “(7) The online searchable database described in
2 paragraph (6) may not reveal any information the disclo-
3 sure of which is prohibited by law or a court order.

4 “(8) The head of each agency (including the Attorney
5 General of the United States) shall provide to the Chair-
6 man of the Administrative Conference of the United
7 States in a timely manner all information requested by
8 the Chairman to comply with the requirements of para-
9 graphs (5), (6), and (7).”.

10 (3) TECHNICAL AND CONFORMING AMEND-
11 MENTS.—Section 2412 of title 28, United States
12 Code, is amended—

13 (A) in subsection (d)(3), by striking
14 “United States Code,”; and

15 (B) in subsection (e)—

16 (i) by striking “of section 2412 of
17 title 28, United States Code,” and insert-
18 ing “of this section”; and

19 (ii) by striking “of such title” and in-
20 serting “of this title”.

21 (b) JUDGMENT FUND TRANSPARENCY.—Section
22 1304 of title 31, United States Code, is amended by add-
23 ing at the end the following:

24 “(d) Beginning not later than the date that is 60
25 days after the date of enactment of the Energy Policy

1 Modernization Act of 2016, and unless the disclosure of
2 such information is otherwise prohibited by law or a court
3 order, the Secretary of the Treasury shall make available
4 to the public on a website, as soon as practicable, but not
5 later than 30 days after the date on which a payment
6 under this section is tendered, the following information
7 with regard to that payment:

8 “(1) The name of the specific agency or entity
9 whose actions gave rise to the claim or judgment.

10 “(2) The name of the plaintiff or claimant.

11 “(3) The name of counsel for the plaintiff or
12 claimant.

13 “(4) The amount paid representing principal li-
14 ability, and any amounts paid representing any an-
15 cillary liability, including attorney fees, costs, and
16 interest.

17 “(5) A brief description of the facts that gave
18 rise to the claim.

19 “(6) The name of the agency that submitted
20 the claim.”.

21 **PART III—FILMING ON FEDERAL LAND**

22 **MANAGEMENT AGENCY LAND**

23 **SEC. 6221. COMMERCIAL FILMING.**

24 (a) IN GENERAL.—Section 1 of Public Law 106–206
25 (16 U.S.C. 4601–6d) is amended—

1 (1) by redesignating subsections (a) through (f)
2 as subsections (b) through (g), respectively;

3 (2) by inserting before subsection (b) (as so re-
4 designated) the following:

5 “(a) DEFINITION OF SECRETARY.—The term ‘Sec-
6 retary’ means the Secretary of the Interior or the Sec-
7 retary of Agriculture, as applicable, with respect to land
8 under the respective jurisdiction of the Secretary.”;

9 (3) in subsection (b) (as so redesignated)—

10 (A) in paragraph (1)—

11 (i) in the first sentence, by striking
12 “of the Interior or the Secretary of Agri-
13 culture (hereafter individually referred to
14 as the ‘Secretary’ with respect to land (ex-
15 cept land in a System unit as defined in
16 section 100102 of title 54, United States
17 Code) under their respective jurisdic-
18 tions)”;

19 (ii) in subparagraph (B), by inserting
20 “, except in the case of film crews of 3 or
21 fewer individuals” before the period at the
22 end; and

23 (B) by adding at the end the following:

24 “(3) FEE SCHEDULE.—Not later than 180 days
25 after the date of enactment of the Energy Policy

1 Modernization Act of 2016, to enhance consistency
2 in the management of Federal land, the Secretaries
3 shall publish a single joint land use fee schedule for
4 commercial filming and still photography.”;

5 (4) in subsection (c) (as so redesignated), in the
6 second sentence, by striking “subsection (a)” and in-
7 serting “subsection (b)”;

8 (5) in subsection (d) (as so redesignated), in
9 the heading, by inserting “Commercial” before
10 “Still”;

11 (6) in paragraph (1) of subsection (f) (as so re-
12 designated), by inserting “in accordance with the
13 Federal Lands Recreation Enhancement Act (16
14 U.S.C. 6801 et seq.),” after “without further appro-
15 priation,”;

16 (7) in subsection (g) (as so redesignated)—

17 (A) by striking “The Secretary shall” and
18 inserting the following:

19 “(1) IN GENERAL.—The Secretary shall”; and

20 (B) by adding at the end the following:

21 “(2) CONSIDERATIONS.—The Secretary shall
22 not consider subject matter or content as a criterion
23 for issuing or denying a permit under this Act.”;
24 and

25 (8) by adding at the end the following:

1 “(h) EXEMPTION FROM COMMERCIAL FILMING OR
2 STILL PHOTOGRAPHY PERMITS AND FEES.—The Sec-
3 retary shall not require persons holding commercial use
4 authorizations or special recreation permits to obtain an
5 additional permit or pay a fee for commercial filming or
6 still photography under this Act if the filming or photog-
7 raphy conducted is—

8 “(1) incidental to the permitted activity that is
9 the subject of the commercial use authorization or
10 special recreation permit; and

11 “(2) the holder of the commercial use author-
12 ization or special recreation permit is an individual
13 or small business concern (within the meaning of
14 section 3 of the Small Business Act (15 U.S.C.
15 632)).

16 “(i) EXCEPTION FROM CERTAIN FEES.—Commercial
17 filming or commercial still photography shall be exempt
18 from fees under this Act, but not from recovery of costs
19 under subsection (c), if the activity—

20 “(1) is conducted by an entity that is a small
21 business concern (within the meaning of section 3 of
22 the Small Business Act (15 U.S.C. 632));

23 “(2) is conducted by a crew of not more than
24 3 individuals; and

25 “(3) uses only a camera and tripod.

1 “(j) APPLICABILITY TO NEWS GATHERING ACTIVI-
2 TIES.—

3 “(1) IN GENERAL.—News gathering shall not
4 be considered a commercial activity.

5 “(2) INCLUDED ACTIVITIES.—In this sub-
6 section, the term ‘news gathering’ includes, at a
7 minimum, the gathering, recording, and filming of
8 news and information related to news in any me-
9 dium.”.

10 (b) CONFORMING AMENDMENTS.—Chapter 1009 of
11 title 54, United States Code, is amended—

12 (1) by striking section 100905; and

13 (2) in the table of sections for chapter 1009 of
14 title 54, United States Code, by striking the item re-
15 lating to section 100905.

16 **PART IV—BOWS, WILDLIFE MANAGEMENT, AND**
17 **ACCESS OPPORTUNITIES FOR RECREATION,**
18 **HUNTING, AND FISHING**

19 **SEC. 6231. BOWS IN PARKS.**

20 (a) IN GENERAL.—Chapter 1049 of title 54, United
21 States Code (as amended by section 5001(a)), is amended
22 by adding at the end the following:

23 **“§ 104909. Bows in parks**

24 “(a) DEFINITION OF NOT READY FOR IMMEDIATE
25 USE.—The term ‘not ready for immediate use’ means—

1 “(1) a bow or crossbow, the arrows of which are
2 secured or stowed in a quiver or other arrow trans-
3 port case; and

4 “(2) with respect to a crossbow, uncocked.

5 “(b) VEHICULAR TRANSPORTATION AUTHORIZED.—

6 The Director shall not promulgate or enforce any regula-
7 tion that prohibits an individual from transporting bows
8 and crossbows that are not ready for immediate use across
9 any System unit in the vehicle of the individual if—

10 “(1) the individual is not otherwise prohibited
11 by law from possessing the bows and crossbows;

12 “(2) the bows or crossbows that are not ready
13 for immediate use remain inside the vehicle of the
14 individual throughout the period during which the
15 bows or crossbows are transported across System
16 land; and

17 “(3) the possession of the bows and crossbows
18 is in compliance with the law of the State in which
19 the System unit is located.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 1049 of title 54, United States Code (as
22 amended by section 5001(b)), is amended by inserting
23 after the item relating to section 104908 the following:

 “104909. Bows in parks.”.

1 **SEC. 6232. WILDLIFE MANAGEMENT IN PARKS.**

2 (a) IN GENERAL.—Chapter 1049 of title 54, United
3 States Code (as amended by section 6231(a)), is amended
4 by adding at the end the following:

5 **“SEC. 104910. WILDLIFE MANAGEMENT IN PARKS.**

6 “(a) USE OF QUALIFIED VOLUNTEERS.—If the Sec-
7 retary determines it is necessary to reduce the size of a
8 wildlife population on System land in accordance with ap-
9 plicable law (including regulations), the Secretary may use
10 qualified volunteers to assist in carrying out wildlife man-
11 agement on System land.

12 “(b) REQUIREMENTS FOR QUALIFIED VOLUN-
13 TEERS.—Qualified volunteers providing assistance under
14 subsection (a) shall be subject to—

15 “(1) any training requirements or qualifications
16 established by the Secretary; and

17 “(2) any other terms and conditions that the
18 Secretary may require.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 1049 of title 54 (as amended by section
21 6231(b)), United States Code, is amended by inserting
22 after the item relating to section 104909 the following:

“104910. Wildlife management in parks.”.

1 **SEC. 6233. IDENTIFYING OPPORTUNITIES FOR RECRE-**
2 **ATION, HUNTING, AND FISHING ON FEDERAL**
3 **LAND.**

4 (a) DEFINITIONS.—In this section:

5 (1) SECRETARY.—The term “Secretary”
6 means—

7 (A) the Secretary of the Interior, with re-
8 spect to land administered by—

9 (i) the Director of the National Park
10 Service;

11 (ii) the Director of the United States
12 Fish and Wildlife Service; and

13 (iii) the Director of the Bureau of
14 Land Management; and

15 (B) the Secretary of Agriculture, with re-
16 spect to land administered by the Chief of the
17 Forest Service.

18 (2) STATE OR REGIONAL OFFICE.—The term
19 “State or regional office” means—

20 (A) a State office of the Bureau of Land
21 Management; or

22 (B) a regional office of—

23 (i) the National Park Service;

24 (ii) the United States Fish and Wild-
25 life Service; or

26 (iii) the Forest Service.

1 (3) TRAVEL MANAGEMENT PLAN.—The term
2 “travel management plan” means a plan for the
3 management of travel—

4 (A) with respect to land under the jurisdic-
5 tion of the National Park Service, on park
6 roads and designated routes under section 4.10
7 of title 36, Code of Federal Regulations (or suc-
8 cessor regulations);

9 (B) with respect to land under the jurisdic-
10 tion of the United States Fish and Wildlife
11 Service, on the land under a comprehensive con-
12 servation plan prepared under section 4(e) of
13 the National Wildlife Refuge System Adminis-
14 tration Act of 1966 (16 U.S.C. 668dd(e));

15 (C) with respect to land under the jurisdic-
16 tion of the Forest Service, on National Forest
17 System land under part 212 of title 36, Code
18 of Federal Regulations (or successor regula-
19 tions); and

20 (D) with respect to land under the jurisdic-
21 tion of the Bureau of Land Management, under
22 a resource management plan developed under
23 the Federal Land Policy and Management Act
24 of 1976 (43 U.S.C. 1701 et seq.).

25 (b) PRIORITY LISTS REQUIRED.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, annually
3 during the 10-year period beginning on the date on
4 which the first priority list is completed, and every
5 5 years after the end of the 10-year period, the Sec-
6 retary shall prepare a priority list, to be made pub-
7 licly available on the website of the applicable Fed-
8 eral agency referred to in subsection (a)(1), which
9 shall identify the location and acreage of land within
10 the jurisdiction of each State or regional office on
11 which the public is allowed, under Federal or State
12 law, to hunt, fish, or use the land for other rec-
13 reational purposes but—

14 (A) to which there is no public access or
15 egress; or

16 (B) to which public access or egress to the
17 legal boundaries of the land is significantly re-
18 stricted (as determined by the Secretary).

19 (2) MINIMUM SIZE.—Any land identified under
20 paragraph (1) shall consist of contiguous acreage of
21 at least 640 acres.

22 (3) CONSIDERATIONS.—In preparing the pri-
23 ority list required under paragraph (1), the Sec-
24 retary shall consider with respect to the land—

1 (A) whether access is absent or merely re-
2 stricted, including the extent of the restriction;

3 (B) the likelihood of resolving the absence
4 of or restriction to public access;

5 (C) the potential for recreational use;

6 (D) any information received from the
7 public or other stakeholders during the nomina-
8 tion process described in paragraph (5); and

9 (E) any other factor as determined by the
10 Secretary.

11 (4) ADJACENT LAND STATUS.—For each parcel
12 of land on the priority list, the Secretary shall in-
13 clude in the priority list whether resolving the issue
14 of public access or egress to the land would require
15 acquisition of an easement, right-of-way, or fee title
16 from—

17 (A) another Federal agency;

18 (B) a State, local, or tribal government; or

19 (C) a private landowner.

20 (5) NOMINATION PROCESS.—In preparing a pri-
21 ority list under this section, the Secretary shall pro-
22 vide an opportunity for members of the public to
23 nominate parcels for inclusion on the priority list.

24 (c) ACCESS OPTIONS.—With respect to land included
25 on a priority list described in subsection (b), the Secretary

1 shall develop and submit to the Committees on Appropria-
2 tions and Energy and Natural Resources of the Senate
3 and the Committees on Appropriations and Natural Re-
4 sources of the House of Representatives a report on op-
5 tions for providing access that—

6 (1) identifies how public access and egress
7 could reasonably be provided to the legal boundaries
8 of the land in a manner that minimizes the impact
9 on wildlife habitat and water quality;

10 (2) specifies the steps recommended to secure
11 the access and egress, including acquiring an ease-
12 ment, right-of-way, or fee title from a willing owner
13 of any land that abuts the land or the need to co-
14 ordinate with State land management agencies or
15 other Federal, State, or tribal governments to allow
16 for such access and egress; and

17 (3) is consistent with the travel management
18 plan in effect on the land.

19 (d) PROTECTION OF PERSONALLY IDENTIFYING IN-
20 FORMATION.—In making the priority list and report pre-
21 pared under subsections (b) and (c) available, the Sec-
22 retary shall ensure that no personally identifying informa-
23 tion is included, such as names or addresses of individuals
24 or entities.

1 (e) WILLING OWNERS.—For purposes of providing
2 any permits to, or entering into agreements with, a State,
3 local, or tribal government or private landowner with re-
4 spect to the use of land under the jurisdiction of the gov-
5 ernment or landowner, the Secretary shall not take into
6 account whether the State, local, or tribal government or
7 private landowner has granted or denied public access or
8 egress to the land.

9 (f) MEANS OF PUBLIC ACCESS AND EGRESS IN-
10 CLUDED.—In considering public access and egress under
11 subsections (b) and (c), the Secretary shall consider public
12 access and egress to the legal boundaries of the land de-
13 scribed in those subsections, including access and egress—

14 (1) by motorized or non-motorized vehicles; and

15 (2) on foot or horseback.

16 (g) EFFECT.—

17 (1) IN GENERAL.—This section shall have no
18 effect on whether a particular recreational use shall
19 be allowed on the land included in a priority list
20 under this section.

21 (2) EFFECT OF ALLOWABLE USES ON AGENCY
22 CONSIDERATION.—In preparing the priority list
23 under subsection (b), the Secretary shall only con-
24 sider recreational uses that are allowed on the land
25 at the time that the priority list is prepared.

1 **PART V—FEDERAL LAND TRANSACTION**

2 **FACILITATION ACT**

3 **SEC. 6241. FEDERAL LAND TRANSACTION FACILITATION**

4 **ACT.**

5 (a) IN GENERAL.—The Federal Land Transaction
6 Facilitation Act is amended—

7 (1) in section 203(2) (43 U.S.C. 2302(2)), by
8 striking “on the date of enactment of this Act was”
9 and inserting “is”;

10 (2) in section 205 (43 U.S.C. 2304)—

11 (A) in subsection (a), by striking “(as in
12 effect on the date of enactment of this Act)”;

13 and

14 (B) by striking subsection (d);

15 (3) in section 206 (43 U.S.C. 2305), by striking
16 subsection (f); and

17 (4) in section 207(b) (43 U.S.C. 2306(b))—

18 (A) in paragraph (1)—

19 (i) by striking “96–568” and insert-
20 ing “96–586”; and

21 (ii) by striking “; or” and inserting a
22 semicolon;

23 (B) in paragraph (2)—

24 (i) by inserting “Public Law 105–
25 263;” before “112 Stat.”; and

1 (ii) by striking the period at the end
2 and inserting a semicolon; and

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

4 “(3) the White Pine County Conservation,
5 Recreation, and Development Act of 2006 (Public
6 Law 109–432; 120 Stat. 3028);

7 “(4) the Lincoln County Conservation, Recre-
8 ation, and Development Act of 2004 (Public Law
9 108–424; 118 Stat. 2403);

10 “(5) subtitle F of title I of the Omnibus Public
11 Land Management Act of 2009 (16 U.S.C. 1132
12 note; Public Law 111–11);

13 “(6) subtitle O of title I of the Omnibus Public
14 Land Management Act of 2009 (16 U.S.C. 460www
15 note, 1132 note; Public Law 111–11);

16 “(7) section 2601 of the Omnibus Public Land
17 Management Act of 2009 (Public Law 111–11; 123
18 Stat. 1108); or

19 “(8) section 2606 of the Omnibus Public Land
20 Management Act of 2009 (Public Law 111–11; 123
21 Stat. 1121).”.

22 (b) FUNDS TO TREASURY.—Of the amounts depos-
23 ited in the Federal Land Disposal Account, there shall be
24 transferred to the general fund of the Treasury
25 \$1,000,000 for each of fiscal years 2016 through 2025.

1 **PART VI—FISH AND WILDLIFE CONSERVATION**

2 **SEC. 6251. AMENDMENTS TO PITTMAN-ROBERTSON WILD-**
3 **LIFE RESTORATION ACT.**

4 (a) **PURPOSE.**—The purpose of this section is to fa-
5 cilitate the construction and expansion of public target
6 ranges, including ranges on Federal land managed by the
7 Forest Service and the Bureau of Land Management.

8 (b) **DEFINITION OF PUBLIC TARGET RANGE.**—In
9 this section, the term “public target range” means a spe-
10 cific location that—

11 (1) is identified by a governmental agency for
12 recreational shooting;

13 (2) is open to the public;

14 (3) may be supervised; and

15 (4) may accommodate archery or rifle, pistol, or
16 shotgun shooting.

17 (c) **AMENDMENTS TO PITTMAN-ROBERTSON WILD-**
18 **LIFE RESTORATION ACT.**—

19 (1) **DEFINITIONS.**—Section 2 of the Pittman-
20 Robertson Wildlife Restoration Act (16 U.S.C.
21 669a) is amended—

22 (A) by redesignating paragraphs (2)
23 through (8) as paragraphs (3) through (9), re-
24 spectively; and

25 (B) by inserting after paragraph (1) the
26 following:

1 “(2) the term ‘public target range’ means a
2 specific location that—

3 “(A) is identified by a governmental agen-
4 cy for recreational shooting;

5 “(B) is open to the public;

6 “(C) may be supervised; and

7 “(D) may accommodate archery or rifle,
8 pistol, or shotgun shooting;”.

9 (2) EXPENDITURES FOR MANAGEMENT OF
10 WILDLIFE AREAS AND RESOURCES.—Section 8(b) of
11 the Pittman-Robertson Wildlife Restoration Act (16
12 U.S.C. 669g(b)) is amended—

13 (A) by striking “(b) Each State” and in-
14 serting the following:

15 “(b) EXPENDITURES FOR MANAGEMENT OF WILD-
16 LIFE AREAS AND RESOURCES.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), each State”;

19 (B) in paragraph (1) (as so designated), by
20 striking “construction, operation,” and insert-
21 ing “operation”;

22 (C) in the second sentence, by striking
23 “The non-Federal share” and inserting the fol-
24 lowing:

1 “(3) NON-FEDERAL SHARE.—The non-Federal
2 share”;

3 (D) in the third sentence, by striking “The
4 Secretary” and inserting the following:

5 “(4) REGULATIONS.—The Secretary”; and

6 (E) by inserting after paragraph (1) (as
7 designated by subparagraph (A)) the following:

8 “(2) EXCEPTION.—Notwithstanding the limita-
9 tion described in paragraph (1), a State may pay up
10 to 90 percent of the cost of acquiring land for, ex-
11 panding, or constructing a public target range.”.

12 (3) FIREARM AND BOW HUNTER EDUCATION
13 AND SAFETY PROGRAM GRANTS.—Section 10 of the
14 Pittman-Robertson Wildlife Restoration Act (16
15 U.S.C. 669h-1) is amended—

16 (A) in subsection (a), by adding at the end
17 the following:

18 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—
19 Of the amount apportioned to a State for any fiscal
20 year under section 4(b), the State may elect to allo-
21 cate not more than 10 percent, to be combined with
22 the amount apportioned to the State under para-
23 graph (1) for that fiscal year, for acquiring land for,
24 expanding, or constructing a public target range.”;

1 (B) by striking subsection (b) and insert-
2 ing the following:

3 “(b) COST SHARING.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Federal share of the cost of any activ-
6 ity carried out using a grant under this section shall
7 not exceed 75 percent of the total cost of the activ-
8 ity.

9 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
10 EXPANSION.—The Federal share of the cost of ac-
11 quiring land for, expanding, or constructing a public
12 target range in a State on Federal or non-Federal
13 land pursuant to this section or section 8(b) shall
14 not exceed 90 percent of the cost of the activity.”;
15 and

16 (C) in subsection (c)(1)—

17 (i) by striking “Amounts made” and
18 inserting the following:

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), amounts made”; and

21 (ii) by adding at the end the fol-
22 lowing:

23 “(B) EXCEPTION.—Amounts provided for
24 acquiring land for, constructing, or expanding a
25 public target range shall remain available for

1 expenditure and obligation during the 5-fiscal-
2 year period beginning on October 1 of the first
3 fiscal year for which the amounts are made
4 available.”.

5 (d) SENSE OF CONGRESS REGARDING COOPERA-
6 TION.—It is the sense of Congress that, consistent with
7 applicable laws (including regulations), the Chief of the
8 Forest Service and the Director of the Bureau of Land
9 Management should cooperate with State and local au-
10 thorities and other entities to carry out waste removal and
11 other activities on any Federal land used as a public target
12 range to encourage continued use of that land for target
13 practice or marksmanship training.

14 **SEC. 6252. NORTH AMERICAN WETLANDS CONSERVATION**
15 **ACT.**

16 (a) CONSERVATION INCENTIVES LANDOWNER EDU-
17 CATION PROGRAM.—Any acquisition of land (including
18 any interest in land) under the North American Wetlands
19 Conservation Act (16 U.S.C. 4401 et seq.) shall be subject
20 to the notification requirements under section
21 **[50____(d)]**.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
23 7(c) of the North American Wetlands Conservation Act
24 (16 U.S.C. 4406(c)) is amended—

25 (1) in paragraph (4), by striking “and”;

1 (2) in paragraph (5), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(6) \$50,000,000 for each of fiscal years 2015
5 through 2020.”.

6 **SEC. 6253. NATIONAL FISH HABITAT CONSERVATION.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “National Fish Habitat Conservation Through Partner-
9 ships Act”.

10 (b) **PURPOSE.**—The purpose of this section is to en-
11 courage partnerships among public agencies and other in-
12 terested parties to promote fish conservation—

13 (1) to achieve measurable habitat conservation
14 results through strategic actions of Fish Habitat
15 Partnerships that lead to better fish habitat condi-
16 tions and increased fishing opportunities by—

17 (A) improving ecological conditions;

18 (B) restoring natural processes; or

19 (C) preventing the decline of intact and
20 healthy systems;

21 (2) to establish a consensus set of national con-
22 servation strategies as a framework to guide future
23 actions and investment by Fish Habitat Partner-
24 ships;

1 (3) to broaden the community of support for
2 fish habitat conservation by—

3 (A) increasing fishing opportunities;

4 (B) fostering the participation of local
5 communities, especially young people in local
6 communities, in conservation activities; and

7 (C) raising public awareness of the role
8 healthy fish habitat play in the quality of life
9 and economic well-being of local communities;

10 (4) to fill gaps in the National Fish Habitat As-
11 sessment and the associated database of the Na-
12 tional Fish Habitat Assessment—

13 (A) to empower strategic conservation ac-
14 tions supported by broadly available scientific
15 information; and

16 (B) to integrate socioeconomic data in the
17 analysis to improve the lives of humans in a
18 manner consistent with fish habitat conserva-
19 tion goals; and

20 (5) to communicate to the public and conserva-
21 tion partners—

22 (A) the conservation outcomes produced
23 collectively by Fish Habitat Partnerships; and

24 (B) new opportunities and voluntary ap-
25 proaches for conserving fish habitat.

1 (c) DEFINITIONS.—In this section:

2 (1) APPROPRIATE CONGRESSIONAL COMMIT-
3 TEES.—The term “appropriate congressional com-
4 mittees” means—

5 (A) the Committee on Commerce, Science,
6 and Transportation and the Committee on En-
7 vironment and Public Works of the Senate; and

8 (B) the Committee on Natural Resources
9 of the House of Representatives.

10 (2) BOARD.—The term “Board” means the Na-
11 tional Fish Habitat Board established by subsection
12 (d)(1)(A).

13 (3) DIRECTOR.—The term “Director” means
14 the Director of the United States Fish and Wildlife
15 Service.

16 (4) EPA ASSISTANT ADMINISTRATOR.—The
17 term “EPA Assistant Administrator” means the As-
18 sistant Administrator for Water of the Environ-
19 mental Protection Agency.

20 (5) INDIAN TRIBE.—The term “Indian tribe”
21 has the meaning given the term in section 4 of the
22 Indian Self-Determination and Education Assistance
23 Act (25 U.S.C. 450b).

24 (6) NOAA ASSISTANT ADMINISTRATOR.—The
25 term “NOAA Assistant Administrator” means the

1 Assistant Administrator for Fisheries of the Na-
2 tional Oceanic and Atmospheric Administration.

3 (7) PARTNERSHIP.—The term “Partnership”
4 means a self-governed entity designated by the
5 Board as a Fish Habitat Conservation Partnership
6 pursuant to subsection (e)(1) .

7 (8) REAL PROPERTY INTEREST.—The term
8 “real property interest” means an ownership interest
9 in—

10 (A) land; or

11 (B) water (including water rights).

12 (9) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (10) STATE.—The term “State” means each of
15 the several States.

16 (11) STATE AGENCY.—The term “State agen-
17 cy” means—

18 (A) the fish and wildlife agency of a State;

19 and

20 (B) any department or division of a de-
21 partment or agency of a State that manages in
22 the public trust the inland or marine fishery re-
23 sources or sustains the habitat for those fishery
24 resources of the State pursuant to State law or
25 the constitution of the State.

1 (d) NATIONAL FISH HABITAT BOARD.—

2 (1) ESTABLISHMENT.—

3 (A) FISH HABITAT BOARD.—There is es-
4 tablished a board, to be known as the “National
5 Fish Habitat Board”, whose duties are—

6 (i) to promote, oversee, and coordinate
7 the implementation of this section;

8 (ii) to establish national goals and pri-
9 orities for fish habitat conservation;

10 (iii) to approve Partnerships; and

11 (iv) to review and make recommenda-
12 tions regarding fish habitat conservation
13 projects.

14 (B) MEMBERSHIP.—The Board shall be
15 composed of 25 members, of whom—

16 (i) 1 shall be a representative of the
17 Department of the Interior;

18 (ii) 1 shall be a representative of the
19 United States Geological Survey;

20 (iii) 1 shall be a representative of the
21 Department of Commerce;

22 (iv) 1 shall be a representative of the
23 Department of Agriculture;

24 (v) 1 shall be a representative of the
25 Association of Fish and Wildlife Agencies;

1 (vi) 4 shall be representatives of State
2 agencies, 1 of whom shall be nominated by
3 a regional association of fish and wildlife
4 agencies from each of the Northeast,
5 Southeast, Midwest, and Western regions
6 of the United States;

7 (vii) 1 shall be a representative of ei-
8 ther—

9 (I) Indian tribes in the State of
10 Alaska; or

11 (II) Indian tribes in States other
12 than the State of Alaska;

13 (viii) 1 shall be a representative of ei-
14 ther—

15 (I) the Regional Fishery Manage-
16 ment Councils established under sec-
17 tion 302 of the Magnuson-Stevens
18 Fishery Conservation and Manage-
19 ment Act (16 U.S.C. 1852); or

20 (II) a representative of the Ma-
21 rine Fisheries Commissions, which is
22 composed of—

23 (aa) the Atlantic States Ma-
24 rine Fisheries Commission;

1 (bb) the Gulf States Marine
2 Fisheries Commission; and

3 (cc) the Pacific States Ma-
4 rine Fisheries Commission;

5 (ix) 1 shall be a representative of the
6 Sportfishing and Boating Partnership
7 Council;

8 (x) 7 shall be representatives selected
9 from each of—

10 (I) the recreational sportfishing
11 industry;

12 (II) the commercial fishing in-
13 dustry;

14 (III) marine recreational anglers;

15 (IV) freshwater recreational an-
16 glers;

17 (V) habitat conservation organi-
18 zations; and

19 (VI) science-based fishery organi-
20 zations;

21 (xi) 1 shall be a representative of a
22 national private landowner organization;

23 (xii) 1 shall be a representative of an
24 agricultural production organization;

1 (xiii) 1 shall be a representative of
2 local government interests involved in fish
3 habitat restoration;

4 (xiv) 2 shall be representatives from
5 different sectors of corporate industries,
6 which may include—

7 (I) natural resource commodity
8 interests, such as petroleum or min-
9 eral extraction;

10 (II) natural resource user indus-
11 tries; and

12 (III) industries with an interest
13 in fish and fish habitat conservation;
14 and

15 (xv) 1 shall be a leadership private
16 sector or landowner representative of an
17 active partnership.

18 (C) COMPENSATION.—A member of the
19 Board shall serve without compensation.

20 (D) TRAVEL EXPENSES.—A member of the
21 Board may be allowed travel expenses, includ-
22 ing per diem in lieu of subsistence, at rates au-
23 thorized for an employee of an agency under
24 subchapter I of chapter 57 of title 5, United
25 States Code, while away from the home or reg-

1 ular place of business of the member in the per-
2 formance of the duties of the Board.

3 (2) APPOINTMENT AND TERMS.—

4 (A) IN GENERAL.—Except as otherwise
5 provided in this subsection, a member of the
6 Board described in any of clauses (vi) through
7 (xiv) of paragraph (1)(B) shall serve for a term
8 of 3 years.

9 (B) INITIAL BOARD MEMBERSHIP.—

10 (i) IN GENERAL.—The initial Board
11 will consist of representatives as described
12 in clauses (i) through (vi) of paragraph
13 (1)(B).

14 (ii) REMAINING MEMBERS.—Not later
15 than 60 days after the date of enactment
16 of this Act, the representatives of the ini-
17 tial Board pursuant to clause (i) shall ap-
18 point the remaining members of the Board
19 described in clauses (viii) through (xiv) of
20 paragraph (1)(B).

21 (iii) TRIBAL REPRESENTATIVES.—Not
22 later than 60 days after the enactment of
23 this Act, the Secretary shall provide to the
24 Board a recommendation of not fewer than
25 3 tribal representatives, from which the

1 Board shall appoint 1 representative pur-
2 suant to clause (vii) of paragraph (1)(B).

3 (C) TRANSITIONAL TERMS.—Of the mem-
4 bers described in paragraph (1)(B)(x) initially
5 appointed to the Board—

6 (i) 2 shall be appointed for a term of
7 1 year;

8 (ii) 2 shall be appointed for a term of
9 2 years; and

10 (iii) 3 shall be appointed for a term of
11 3 years.

12 (D) VACANCIES.—

13 (i) IN GENERAL.—A vacancy of a
14 member of the Board described in any of
15 clauses (viii) through (xiv) of paragraph
16 (1)(B) shall be filled by an appointment
17 made by the remaining members of the
18 Board.

19 (ii) TRIBAL REPRESENTATIVES.—Fol-
20 lowing a vacancy of a member of the
21 Board described in clause (vii) of para-
22 graph (1)(B), the Secretary shall rec-
23 ommend to the Board a list of not fewer
24 than 3 tribal representatives, from which

1 (ii) not less frequently than twice each
2 calendar year.

3 (B) PUBLIC ACCESS.—All meetings of the
4 Board shall be open to the public.

5 (5) PROCEDURES.—

6 (A) IN GENERAL.—The Board shall estab-
7 lish procedures to carry out the business of the
8 Board, including—

9 (i) a requirement that a quorum of
10 the members of the Board be present to
11 transact business;

12 (ii) a requirement that no rec-
13 ommendations may be adopted by the
14 Board, except by the vote of $\frac{2}{3}$ of all mem-
15 bers;

16 (iii) procedures for establishing na-
17 tional goals and priorities for fish habitat
18 conservation for the purposes of this sec-
19 tion;

20 (iv) procedures for designating Part-
21 nerships under subsection (e); and

22 (v) procedures for reviewing, evalu-
23 ating, and making recommendations re-
24 garding fish habitat conservation projects.

1 (B) QUORUM.—A majority of the members
2 of the Board shall constitute a quorum.

3 (e) FISH HABITAT PARTNERSHIPS.—

4 (1) AUTHORITY TO APPROVE.—The Board may
5 approve and designate Fish Habitat Partnerships in
6 accordance with this subsection.

7 (2) PURPOSES.—The purposes of a Partnership
8 shall be—

9 (A) to work with other regional habitat
10 conservation programs to promote cooperation
11 and coordination to enhance fish and fish habi-
12 tats;

13 (B) to engage local and regional commu-
14 nities to build support for fish habitat conserva-
15 tion;

16 (C) to involve diverse groups of public and
17 private partners;

18 (D) to develop collaboratively a strategic
19 vision and achievable implementation plan that
20 is scientifically sound;

21 (E) to leverage funding from sources that
22 support local and regional partnerships;

23 (F) to use adaptive management prin-
24 ciples, including evaluation of project success
25 and functionality;

1 (G) to develop appropriate local or regional
2 habitat evaluation and assessment measures
3 and criteria that are compatible with national
4 habitat condition measures; and

5 (H) to implement local and regional pri-
6 ority projects that improve conditions for fish
7 and fish habitat.

8 (3) CRITERIA FOR APPROVAL.—An entity seek-
9 ing to be designated as a Partnership shall—

10 (A) submit to the Board an application at
11 such time, in such manner, and containing such
12 information as the Board may reasonably re-
13 quire; and

14 (B) demonstrate to the Board that the en-
15 tity has—

16 (i) a focus on promoting the health of
17 important fish and fish habitats;

18 (ii) an ability to coordinate the imple-
19 mentation of priority projects that support
20 the goals and national priorities set by the
21 Board that are within the Partnership
22 boundary;

23 (iii) a self-governance structure that
24 supports the implementation of strategic
25 priorities for fish habitat;

1 (iv) the ability to develop local and re-
2 gional relationships with a broad range of
3 entities to further strategic priorities for
4 fish and fish habitat;

5 (v) a strategic plan that details re-
6 quired investments for fish habitat con-
7 servation that addresses the strategic fish
8 habitat priorities of the Partnership and
9 supports and meets the strategic priorities
10 of the Board;

11 (vi) the ability to develop and imple-
12 ment fish habitat conservation projects
13 that address strategic priorities of the
14 Partnership and the Board; and

15 (vii) the ability to develop fish habitat
16 conservation priorities based on sound
17 science and data, the ability to measure
18 the effectiveness of fish habitat projects of
19 the Partnership, and a clear plan as to
20 how Partnership science and data compo-
21 nents will be integrated with the overall
22 Board science and data effort.

23 (4) APPROVAL.—The Board may approve an
24 application for a Partnership submitted under para-

1 graph (3) if the Board determines that the appli-
2 cant—

3 (A) identifies representatives to provide
4 support and technical assistance to the Partner-
5 ship from a diverse group of public and private
6 partners, which may include State or local gov-
7 ernments, nonprofit entities, Indian tribes, and
8 private individuals, that are focused on con-
9 servation of fish habitats to achieve results
10 across jurisdictional boundaries on public and
11 private land;

12 (B) is organized to promote the health of
13 important fish species and important fish habi-
14 tats, including reservoirs, natural lakes, coastal
15 and marine environments, and estuaries;

16 (C) identifies strategic fish and fish habi-
17 tat priorities for the Partnership area in the
18 form of geographical focus areas or key
19 stressors or impairments to facilitate strategic
20 planning and decisionmaking;

21 (D) is able to address issues and priorities
22 on a nationally significant scale;

23 (E) includes a governance structure that—

24 (i) reflects the range of all partners;

25 and

1 (ii) promotes joint strategic planning
2 and decisionmaking by the applicant;

3 (F) demonstrates completion of, or signifi-
4 cant progress toward the development of, a
5 strategic plan to address the decline in fish pop-
6 ulations, rather than simply treating symptoms,
7 in accordance with the goals and national prior-
8 ities established by the Board; and

9 (G) promotes collaboration in developing a
10 strategic vision and implementation program
11 that is scientifically sound and achievable.

12 (f) FISH HABITAT CONSERVATION PROJECTS.—

13 (1) SUBMISSION TO BOARD.—Not later than
14 March 31 of each calendar year, each Partnership
15 shall submit to the Board a list of priority fish habi-
16 tat conservation projects recommended by the Part-
17 nership for annual funding under this section.

18 (2) RECOMMENDATIONS BY BOARD.—Not later
19 than July 1 of each calendar year, the Board shall
20 submit to the Secretary a priority list of fish habitat
21 conservation projects that includes the description,
22 including estimated costs, of each project that the
23 Board recommends that the Secretary approve and
24 fund under this section for the following fiscal year.

1 (3) CRITERIA FOR PROJECT SELECTION.—The
2 Board shall select each fish habitat conservation
3 project to be recommended to the Secretary under
4 paragraph (2) after taking into consideration, at a
5 minimum, the following information:

6 (A) A recommendation of the Partnership
7 that is, or will be, participating actively in im-
8 plementing the fish habitat conservation
9 project.

10 (B) The capabilities and experience of
11 project proponents to implement successfully
12 the proposed project.

13 (C) The extent to which the fish habitat
14 conservation project —

15 (i) fulfills a local or regional priority
16 that is directly linked to the strategic plan
17 of the Partnership and is consistent with
18 the purpose of this section;

19 (ii) addresses the national priorities
20 established by the Board;

21 (iii) is supported by the findings of
22 the Habitat Assessment of the Partnership
23 or the Board, and aligns or is compatible
24 with other conservation plans;

1 (iv) identifies appropriate monitoring
2 and evaluation measures and criteria that
3 are compatible with national measures;

4 (v) provides a well-defined budget
5 linked to deliverables and outcomes;

6 (vi) leverages other funds to imple-
7 ment the project;

8 (vii) addresses the causes and proc-
9 esses behind the decline of fish or fish
10 habitats; and

11 (viii) includes an outreach or edu-
12 cation component that includes the local or
13 regional community.

14 (D) The availability of sufficient non-Fed-
15 eral funds to match Federal contributions for
16 the fish habitat conservation project, as re-
17 quired by paragraph (5);

18 (E) The extent to which the local or re-
19 gional fish habitat conservation project—

20 (i) will increase fish populations in a
21 manner that leads to recreational fishing
22 opportunities for the public;

23 (ii) will be carried out through a coop-
24 erative agreement among Federal, State,

1 and local governments, Indian tribes, and
2 private entities;

3 (iii) increases public access to land or
4 water for fish and wildlife-dependent rec-
5 reational opportunities;

6 (iv) advances the conservation of fish
7 and wildlife species that have been identi-
8 fied by the States as species of greatest
9 conservation need;

10 (v) where appropriate, advances the
11 conservation of fish and fish habitats
12 under the Magnuson-Stevens Fishery Con-
13 servation and Management Act (16 U.S.C.
14 1801 et seq.) and other relevant Federal
15 law and State wildlife action plans; and

16 (vi) promotes strong and healthy fish
17 habitats so that desired biological commu-
18 nities are able to persist and adapt.

19 (F) The substantiality of the character and
20 design of the fish habitat conservation project.

21 (4) LIMITATIONS.—

22 (A) REQUIREMENTS FOR EVALUATION.—

23 No fish habitat conservation project may be
24 recommended by the Board under paragraph
25 (2) or provided financial assistance under this

1 section unless the fish habitat conservation
2 project includes an evaluation plan designed
3 using applicable Board guidance—

4 (i) to appropriately assess the biological,
5 ecological, or other results of the habitat
6 protection, restoration, or enhancement
7 activities carried out using the assistance;

8 (ii) to reflect appropriate changes to
9 the fish habitat conservation project if the
10 assessment substantiates that the fish
11 habitat conservation project objectives are
12 not being met;

13 (iii) to identify improvements to exist-
14 ing fish populations, recreational fishing
15 opportunities and the overall economic ben-
16 efits for the local community of the fish
17 habitat conservation project; and

18 (iv) to require the submission to the
19 Board of a report describing the findings
20 of the assessment.

21 (B) ACQUISITION AUTHORITIES.—

22 (i) IN GENERAL.—A State, local gov-
23 ernment, or other non-Federal entity is eli-
24 gible to receive funds for the acquisition of
25 real property from willing sellers under

1 this section if the acquisition ensures 1
2 of—

3 (I) public access for compatible
4 fish and wildlife-dependent recreation;
5 or

6 (II) a scientifically based, direct
7 enhancement to the health of fish and
8 fish populations, as determined by the
9 Board.

10 (ii) STATE AGENCY APPROVAL.—

11 (I) IN GENERAL.—All real prop-
12 erty interest acquisition projects fund-
13 ed under this section are required to
14 be approved by the State agency in
15 the State in which the project is oc-
16 curring.

17 (II) PROHIBITION.—The Board
18 may not recommend, and the Sec-
19 retary may not provide any funding
20 for, any real property interest acquisi-
21 tion that has not been approved by
22 the State agency.

23 (iii) ASSESSMENT OF OTHER AU-
24 THORITIES.—The Fish Habitat Partner-
25 ship shall conduct a project assessment,

1 submitted with the funding request and
2 approved by the Board, to demonstrate all
3 other Federal, State, and local authorities
4 for the acquisition of real property have
5 been exhausted.

6 (iv) RESTRICTIONS.—A real property
7 interest may not be acquired pursuant to a
8 fish habitat conservation project by a
9 State, local government, or other non-Fed-
10 eral entity, unless—

11 (I) the owner of the real property
12 authorizes the State, local govern-
13 ment, or other non-Federal entity to
14 acquire the real property; and

15 (II) the Secretary and the Board
16 determine that the State, local govern-
17 ment, or other non-Federal entity
18 would benefit from undertaking the
19 management of the real property
20 being acquired because that is in ac-
21 cordance with the goals of a partner-
22 ship.

23 (5) NON-FEDERAL CONTRIBUTIONS.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), no fish habitat conservation

1 project may be recommended by the Board
2 under paragraph (2) or provided financial as-
3 sistance under this section unless at least 50
4 percent of the cost of the fish habitat conserva-
5 tion project will be funded with non-Federal
6 funds.

7 (B) NON-FEDERAL SHARE.—The non-Fed-
8 eral share of the cost of a fish habitat conserva-
9 tion project—

10 (i) may not be derived from another
11 Federal grant program; but

12 (ii) may include in-kind contributions
13 and cash.

14 (C) SPECIAL RULE FOR INDIAN TRIBES.—
15 Notwithstanding subparagraph (A) or any other
16 provision of law, any funds made available to
17 an Indian tribe pursuant to this section may be
18 considered to be non-Federal funds for the pur-
19 pose of subparagraph (A).

20 (6) APPROVAL.—

21 (A) IN GENERAL.—Not later than 90 days
22 after the date of receipt of the recommended
23 priority list of fish habitat conservation projects
24 under paragraph (2), subject to the limitations
25 of paragraph (4), and based, to the maximum

1 extent practicable, on the criteria described in
2 paragraph (3), the Secretary, after consulting
3 with the Secretary of Commerce on marine or
4 estuarine projects, shall approve or reject any
5 fish habitat conservation project recommended
6 by the Board.

7 (B) FUNDING.—If the Secretary approves
8 a fish habitat conservation project under sub-
9 paragraph (A), the Secretary shall use amounts
10 made available to carry out this section to pro-
11 vide funds to carry out the fish habitat con-
12 servation project.

13 (C) NOTIFICATION.—If the Secretary re-
14 jects any fish habitat conservation project rec-
15 ommended by the Board under paragraph (2),
16 not later than 180 days after the date of receipt
17 of the recommendation, the Secretary shall pro-
18 vide to the Board, the appropriate Partnership,
19 and the appropriate congressional committees a
20 written statement of the reasons that the Sec-
21 retary rejected the fish habitat conservation
22 project.

23 (g) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

24 (1) IN GENERAL.—The Director, the NOAA
25 Assistant Administrator, the EPA Assistant Admin-

1 istrator, and the Director of the United States Geo-
2 logical Survey, in coordination with the Forest Serv-
3 ice and other appropriate Federal departments and
4 agencies, may provide scientific and technical assist-
5 ance to the Partnerships, participants in fish habitat
6 conservation projects, and the Board.

7 (2) INCLUSIONS.—Scientific and technical as-
8 sistance provided pursuant to paragraph (1) may in-
9 clude—

10 (A) providing technical and scientific as-
11 sistance to States, Indian tribes, regions, local
12 communities, and nongovernmental organiza-
13 tions in the development and implementation of
14 Partnerships;

15 (B) providing technical and scientific as-
16 sistance to Partnerships for habitat assessment,
17 strategic planning, and prioritization;

18 (C) supporting the development and imple-
19 mentation of fish habitat conservation projects
20 that are identified as high priorities by Partner-
21 ships and the Board;

22 (D) supporting and providing recommenda-
23 tions regarding the development of science-
24 based monitoring and assessment approaches
25 for implementation through Partnerships;

1 (E) supporting and providing recommenda-
2 tions for a national fish habitat assessment;

3 (F) ensuring the availability of experts to
4 assist in conducting scientifically based evalua-
5 tion and reporting of the results of fish habitat
6 conservation projects; and

7 (G) providing resources to secure state
8 agency scientific and technical assistance to
9 support Partnerships, participants in fish habi-
10 tat conservation projects, and the Board.

11 (h) COORDINATION WITH STATES AND INDIAN
12 TRIBES.—The Secretary shall provide a notice to, and co-
13 operate with, the appropriate State agency or tribal agen-
14 cy, as applicable, of each State and Indian tribe within
15 the boundaries of which an activity is planned to be car-
16 ried out pursuant to this section, including notification,
17 by not later than 30 days before the date on which the
18 activity is implemented.

19 (i) INTERAGENCY OPERATIONAL PLAN.—Not later
20 than 1 year after the date of enactment of this Act, and
21 every 5 years thereafter, the Director, in cooperation with
22 the NOAA Assistant Administrator, the EPA Assistant
23 Administrator, the Director of the United States Geologi-
24 cal Survey, and the heads of other appropriate Federal
25 departments and agencies (including at a minimum, those

1 agencies represented on the Board) shall develop an inter-
2 agency operational plan that describes—

3 (1) the functional, operational, technical, sci-
4 entific, and general staff, administrative, and mate-
5 rial needs for the implementation of this section; and

6 (2) any interagency agreements between or
7 among Federal departments and agencies to address
8 those needs.

9 (j) ACCOUNTABILITY AND REPORTING.—

10 (1) REPORTING.—

11 (A) IN GENERAL.—Not later than 5 years
12 after the date of enactment of this Act, and
13 every 5 years thereafter, the Board shall submit
14 to the appropriate congressional committees a
15 report describing the progress of this section.

16 (B) CONTENTS.—Each report submitted
17 under subparagraph (A) shall include—

18 (i) an estimate of the number of
19 acres, stream miles, or acre-feet, or other
20 suitable measures of fish habitat, that was
21 maintained or improved by partnerships of
22 Federal, State, or local governments, In-
23 dian tribes, or other entities in the United
24 States during the 5-year period ending on
25 the date of submission of the report;

1 (ii) a description of the public access
2 to fish habitats established or improved
3 during that 5-year period;

4 (iii) a description of the improved op-
5 portunities for public recreational fishing;
6 and

7 (iv) an assessment of the status of
8 fish habitat conservation projects carried
9 out with funds provided under this section
10 during that period, disaggregated by year,
11 including—

12 (I) a description of the fish habi-
13 tat conservation projects rec-
14 ommended by the Board under sub-
15 section (f)(2);

16 (II) a description of each fish
17 habitat conservation project approved
18 by the Secretary under subsection
19 (f)(6), in order of priority for funding;

20 (III) a justification for—

21 (aa) the approval of each
22 fish habitat conservation project;
23 and

1 (bb) the order of priority for
2 funding of each fish habitat con-
3 servation project;

4 (IV) a justification for any rejec-
5 tion of a fish habitat conservation
6 project recommended by the Board
7 under subsection (f)(2) that was
8 based on a factor other than the cri-
9 teria described in subsection (f)(3);
10 and

11 (V) an accounting of expendi-
12 tures by Federal, State, or local gov-
13 ernments, Indian tribes, or other enti-
14 ties to carry out fish habitat conserva-
15 tion projects.

16 (2) STATUS AND TRENDS REPORT.—Not later
17 than December 31, 2016, and every 5 years there-
18 after, the Board shall submit to the appropriate con-
19 gressional committees a report that includes—

20 (A) a status of all Partnerships approved
21 under this section;

22 (B) a description of the status of fish habi-
23 tats in the United States as identified by estab-
24 lished Partnerships; and

1 (C) enhancements or reductions in public
2 access as a result of—

3 (i) the activities of the Partnerships;

4 or

5 (ii) any other activities carried out
6 pursuant to this section.

7 (3) REVISIONS.—Not later than December 31,
8 2016, and every 5 years thereafter, the Board shall
9 consider revising the goals of the Board, after con-
10 sideration of each report required by paragraph (2).

11 (k) EFFECT OF SECTION.—

12 (1) WATER RIGHTS.—Nothing in this section—

13 (A) establishes any express or implied re-
14 served water right in the United States for any
15 purpose;

16 (B) affects any water right in existence on
17 the date of enactment of this Act;

18 (C) preempts or affects any State water
19 law or interstate compact governing water; or

20 (D) affects any Federal or State law in ex-
21 istence on the date of enactment of the Act re-
22 garding water quality or water quantity.

23 (2) AUTHORITY TO ACQUIRE WATER RIGHTS OR
24 RIGHTS TO PROPERTY.—Under this section, only a
25 State, local government, or other non-Federal entity

1 may acquire, under State law, water rights or rights
2 to property.

3 (3) STATE AUTHORITY.—Nothing in this sec-
4 tion—

5 (A) affects the authority, jurisdiction, or
6 responsibility of a State to manage, control, or
7 regulate fish and wildlife under the laws and
8 regulations of the State; or

9 (B) authorizes the Secretary to control or
10 regulate within a State the fishing or hunting
11 of fish and wildlife.

12 (4) EFFECT ON INDIAN TRIBES.—Nothing in
13 this section abrogates, abridges, affects, modifies,
14 supersedes, or alters any right of an Indian tribe
15 recognized by treaty or any other means, includ-
16 ing—

17 (A) an agreement between the Indian tribe
18 and the United States;

19 (B) Federal law (including regulations);

20 (C) an Executive order; or

21 (D) a judicial decree.

22 (5) ADJUDICATION OF WATER RIGHTS.—Noth-
23 ing in this section diminishes or affects the ability
24 of the Secretary to join an adjudication of rights to
25 the use of water pursuant to subsection (a), (b), or

1 (c) of section 208 of the Department of Justice Ap-
2 propriation Act, 1953 (43 U.S.C. 666).

3 (6) DEPARTMENT OF COMMERCE AUTHOR-
4 ITY.—Nothing in this section affects the authority,
5 jurisdiction, or responsibility of the Department of
6 Commerce to manage, control, or regulate fish or
7 fish habitats under the Magnuson-Stevens Fishery
8 Conservation and Management Act (16 U.S.C. 1801
9 et seq.).

10 (7) EFFECT ON OTHER AUTHORITIES.—

11 (A) PRIVATE PROPERTY PROTECTION.—
12 Nothing in this section permits the use of funds
13 made available to carry out this section to ac-
14 quire real property or a real property interest
15 without the written consent of each owner of
16 the real property or real property interest.

17 (B) MITIGATION.—Nothing in this section
18 permits the use of funds made available to
19 carry out this section for fish and wildlife miti-
20 gation purposes under—

21 (i) the Federal Water Pollution Con-
22 trol Act (33 U.S.C. 1251 et seq.);

23 (ii) the Fish and Wildlife Coordina-
24 tion Act (16 U.S.C. 661 et seq.);

1 (iii) the Water Resources Develop-
2 ment Act of 1986 (Public Law 99–662;
3 100 Stat. 4082); or

4 (iv) any other Federal law or court
5 settlement.

6 (C) CLEAN WATER ACT.—Nothing in this
7 section affects any provision of the Federal
8 Water Pollution Control Act (33 U.S.C. 1251 et
9 seq.), including any definition in that Act.

10 (l) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
11 MITTEE ACT.—The Federal Advisory Committee Act (5
12 U.S.C. App.) shall not apply to—

13 (1) the Board; or

14 (2) any Partnership.

15 (m) FUNDING.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—

17 (A) FISH HABITAT CONSERVATION
18 PROJECTS.—There is authorized to be appro-
19 priated to the Secretary \$7,200,000 for each of
20 fiscal years 2016 through 2021 to provide
21 funds for fish habitat conservation projects ap-
22 proved under subsection (f)(6), of which 5 per-
23 cent shall be made available for each fiscal year
24 for projects carried out by Indian tribes.

1 (B) ADMINISTRATIVE AND PLANNING EX-
2 PENSES.—There is authorized to be appro-
3 priated to the Secretary for each of fiscal years
4 2016 through 2021 an amount equal to 5 per-
5 cent of the amount appropriated for the appli-
6 cable fiscal year pursuant to subparagraph
7 (A)—

8 (i) for administrative and planning ex-
9 penses; and

10 (ii) to carry out subsection (j).

11 (C) TECHNICAL AND SCIENTIFIC ASSIST-
12 ANCE.—There is authorized to be appropriated
13 for each of fiscal years 2016 through 2021 to
14 carry out, and provide technical and scientific
15 assistance under, subsection (g)—

16 (i) \$500,000 to the Secretary for use
17 by the United States Fish and Wildlife
18 Service;

19 (ii) \$500,000 to the NOAA Assistant
20 Administrator for use by the National Oce-
21 anic and Atmospheric Administration;

22 (iii) \$500,000 to the EPA Assistant
23 Administrator for use by the Environ-
24 mental Protection Agency; and

1 (iv) \$500,000 to the Secretary for use
2 by the United States Geological Survey.

3 (2) AGREEMENTS AND GRANTS.—The Secretary
4 may—

5 (A) on the recommendation of the Board,
6 and notwithstanding sections 6304 and 6305 of
7 title 31, United States Code, and the Federal
8 Financial Assistance Management Improvement
9 Act of 1999 (31 U.S.C. 6101 note; Public Law
10 106–107), enter into a grant agreement, coop-
11 erative agreement, or contract with a Partner-
12 ship or other entity for a fish habitat conserva-
13 tion project or restoration or enhancement
14 project;

15 (B) apply for, accept, and use a grant
16 from any individual or entity to carry out the
17 purposes of this section; and

18 (C) make funds available to any Federal
19 department or agency for use by that depart-
20 ment or agency to provide grants for any fish
21 habitat protection project, restoration project,
22 or enhancement project that the Secretary de-
23 termines to be consistent with this section.

24 (3) DONATIONS.—

25 (A) IN GENERAL.—The Secretary may—

1 (i) enter into an agreement with any
2 organization described in section 501(c)(3)
3 of the Internal Revenue Code of 1986 that
4 is exempt from taxation under section
5 501(a) of that Code to solicit private dona-
6 tions to carry out the purposes of this sec-
7 tion; and

8 (ii) accept donations of funds, prop-
9 erty, and services to carry out the purposes
10 of this section.

11 (B) TREATMENT.—A donation accepted
12 under this section—

13 (i) shall be considered to be a gift or
14 bequest to, or otherwise for the use of, the
15 United States; and

16 (ii) may be—

17 (I) used directly by the Sec-
18 retary; or

19 (II) provided to another Federal
20 department or agency through an
21 interagency agreement.

1 **SEC. 6254. GULF STATES MARINE FISHERIES COMMISSION**
2 **REPORT ON GULF OF MEXICO OUTER CONTI-**
3 **NENTAL SHELF STATE BOUNDARY EXTEN-**
4 **SION.**

5 (a) REPORT ON RESOURCE MANAGEMENT OUT-
6 COMES.—Not later than March 1, 2017, the Gulf States
7 Marine Fisheries Commission shall submit to the Com-
8 mittee on Commerce, Science, and Transportation of the
9 Senate and the Committees on Natural Resources and
10 Transportation and Infrastructure of the House of Rep-
11 resentatives a report on the economic, conservation and
12 management, and law enforcement impacts of the imple-
13 mentation of section 110 of division B of the Consolidated
14 Appropriations Act, 2016 (Public Law 114–113).

15 (b) INFORMATION REQUIRED.—The report required
16 under subsection (a) shall include a detailed accounting
17 of how the implementation of section 110 of division B
18 of the Consolidated Appropriations Act, 2016 (Public Law
19 114–113) has affected—

20 (1) the economies of the States of Alabama,
21 Florida, Louisiana, Mississippi, and Texas;

22 (2) the sustained participation of fishing com-
23 munities;

24 (3) conservation and management of living re-
25 sources under all applicable Federal laws;

26 (4) enforcement of Federal maritime laws; and

1 (5) the ability of the governments of the States
2 described in paragraph (1) to effectively manage ac-
3 tivities pursuant to the fishery management plan for
4 reef fish resources of the Gulf of Mexico.

5 (c) FUNDING.—

6 (1) IN GENERAL.—Subject to the availability of
7 appropriations, the Secretary of Commerce shall
8 make available to the Gulf States Marine Fisheries
9 Commission \$500,000 to carry out the report re-
10 quired under subsection (a).

11 (2) SUBSEQUENT APPROPRIATIONS.—Amounts
12 made available under paragraph (1) shall be avail-
13 able only to the extent specifically provided for in
14 advance in subsequent appropriations Acts.

15 **SEC. 6255. GAO REPORT ON GULF OF MEXICO OUTER CON-**
16 **TINENTAL SHELF STATE BOUNDARY EXTEN-**
17 **SION.**

18 (a) REPORT ON RESOURCE MANAGEMENT OUT-
19 COMES.—Not later than March 1, 2017, the Comptroller
20 General of the United States shall submit to the Com-
21 mittee on Commerce, Science, and Transportation of the
22 Senate and the Committee on Natural Resources and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report on the economic, con-
25 servation and management, and law enforcement impacts

1 of section 110 of division B of the Consolidated Appropria-
2 tions Act, 2016 (Public Law 114–113).

3 (b) INFORMATION REQUIRED.—The report required
4 by subsection (a) shall include a detailed accounting of
5 how section 110 of division B of the Consolidated Appro-
6 priations Act, 2016 (Public Law 114–113) has affected—

7 (1) the economies of Alabama, Florida, Lou-
8 isiana, Mississippi, and Texas;

9 (2) the sustained participation of fishing com-
10 munities;

11 (3) conservation and management of living re-
12 sources under all applicable Federal laws;

13 (4) enforcement of Federal maritime laws; and

14 (5) the ability of the governments of Alabama,
15 Florida, Louisiana, Mississippi, and Texas to effec-
16 tively manage activities pursuant to the fishery man-
17 agement plan for reef fish resources of the Gulf of
18 Mexico.

19 **PART VII—MISCELLANEOUS**

20 **SEC. 6261. RESPECT FOR TREATIES AND RIGHTS.**

21 Nothing in this subtitle or the amendments made by
22 this subtitle—

23 (1) affects or modifies any treaty or other right
24 of any federally recognized Indian tribe; or

1 (2) modifies any provision of Federal law relat-
2 ing to migratory birds or to endangered or threat-
3 ened species.

4 **SEC. 6262. NO PRIORITY.**

5 Nothing in this subtitle or the amendments made by
6 this subtitle provides a preference to hunting, fishing, or
7 recreational shooting over any other use of Federal land
8 or water.

9 **Subtitle D—Water Infrastructure**
10 **and Related Matters**

11 **PART I—FONTENELLE RESERVOIR**

12 **SEC. 6301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY**
13 **OF FONTENELLE RESERVOIR AVAILABLE**
14 **FOR USE.**

15 (a) IN GENERAL.—The Secretary of the Interior, in
16 cooperation with the State of Wyoming, may amend the
17 Definite Plan Report for the Seedskaadee Project author-
18 ized under the first section of the Act of April 11, 1956
19 (commonly known as the “Colorado River Storage Project
20 Act”) (43 U.S.C. 620), to provide for the study, design,
21 planning, and construction activities that will enable the
22 use of all active storage capacity (as may be defined or
23 limited by legal, hydrologic, structural, engineering, eco-
24 nomic, and environmental considerations) of Fontenelle
25 Dam and Reservoir, including the placement of sufficient

1 riprap on the upstream face of Fontenelle Dam to allow
2 the active storage capacity of Fontenelle Reservoir to be
3 used for those purposes for which the Seedskafee Project
4 was authorized.

5 (b) COOPERATIVE AGREEMENTS.—

6 (1) IN GENERAL.—The Secretary of the Inte-
7 rior may enter into any contract, grant, cooperative
8 agreement, or other agreement that is necessary to
9 carry out subsection (a).

10 (2) STATE OF WYOMING.—

11 (A) IN GENERAL.—The Secretary of the
12 Interior shall enter into a cooperative agree-
13 ment with the State of Wyoming to work in co-
14 operation and collaboratively with the State of
15 Wyoming for planning, design, related
16 preconstruction activities, and construction of
17 any modification of the Fontenelle Dam under
18 subsection (a).

19 (B) REQUIREMENTS.—The cooperative
20 agreement under subparagraph (A) shall, at a
21 minimum, specify the responsibilities of the
22 Secretary of the Interior and the State of Wyo-
23 ming with respect to—

1 (i) completing the planning and final
2 design of the modification of the
3 Fontenelle Dam under subsection (a);

4 (ii) any environmental and cultural re-
5 source compliance activities required for
6 the modification of the Fontenelle Dam
7 under subsection (a) including compliance
8 with—

9 (I) the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321
11 et seq.);

12 (II) the Endangered Species Act
13 of 1973 (16 U.S.C. 1531 et seq.); and

14 (III) subdivision 2 of division A
15 of subtitle III of title 54, United
16 States Code; and

17 (iii) the construction of the modifica-
18 tion of the Fontenelle Dam under sub-
19 section (a).

20 (c) FUNDING BY STATE OF WYOMING.—Pursuant to
21 the Act of March 4, 1921 (41 Stat. 1404, chapter 161;
22 43 U.S.C. 395), and as a condition of providing any addi-
23 tional storage under subsection (a), the State of Wyoming
24 shall provide to the Secretary of the Interior funds for any
25 work carried out under subsection (a).

1 (d) OTHER CONTRACTING AUTHORITY.—

2 (1) IN GENERAL.—The Secretary of the Inte-
3 rior may enter into contracts with the State of Wyo-
4 ming, on such terms and conditions as the Secretary
5 of the Interior and the State of Wyoming may agree,
6 for division of any additional active capacity made
7 available under subsection (a).

8 (2) TERMS AND CONDITIONS.—Unless other-
9 wise agreed to by the Secretary of the Interior and
10 the State of Wyoming, a contract entered into under
11 paragraph (1) shall be subject to the terms and con-
12 ditions of Bureau of Reclamation Contract No. 14–
13 06–400–2474 and Bureau of Reclamation Contract
14 No. 14–06–400–6193.

15 **SEC. 6302. SAVINGS PROVISIONS.**

16 Unless expressly provided in this part, nothing in this
17 part modifies, conflicts with, preempts, or otherwise af-
18 fects—

19 (1) the Act of December 31, 1928 (43 U.S.C.
20 617 et seq.) (commonly known as the “Boulder Can-
21 yon Project Act”);

22 (2) the Colorado River Compact of 1922, as ap-
23 proved by the Presidential Proclamation of June 25,
24 1929 (46 Stat. 3000);

1 (3) the Act of July 19, 1940 (43 U.S.C. 618
2 et seq.) (commonly known as the “Boulder Canyon
3 Project Adjustment Act”);

4 (4) the Treaty between the United States of
5 America and Mexico relating to the utilization of
6 waters of the Colorado and Tijuana Rivers and of
7 the Rio Grande, and supplementary protocol signed
8 November 14, 1944, signed at Washington February
9 3, 1944 (59 Stat. 1219);

10 (5) the Upper Colorado River Basin Compact
11 as consented to by the Act of April 6, 1949 (63
12 Stat. 31);

13 (6) the Act of April 11, 1956 (commonly known
14 as the “Colorado River Storage Project Act”) (43
15 U.S.C. 620 et seq.);

16 (7) the Colorado River Basin Project Act (Pub-
17 lic Law 90–537; 82 Stat. 885); or

18 (8) any State of Wyoming or other State water
19 law.

20 **PART II—BUREAU OF RECLAMATION**

21 **TRANSPARENCY**

22 **SEC. 6311. DEFINITIONS.**

23 In this part:

24 (1) ASSET.—

1 (A) IN GENERAL.—The term “asset”
2 means any of the following assets that are used
3 to achieve the mission of the Bureau of Rec-
4 lamation to manage, develop, and protect water
5 and related resources in an environmentally and
6 economically sound manner in the interest of
7 the people of the United States:

8 (i) Capitalized facilities, buildings,
9 structures, project features, power produc-
10 tion equipment, recreation facilities, or
11 quarters.

12 (ii) Capitalized and noncapitalized
13 heavy equipment and other installed equip-
14 ment.

15 (B) INCLUSIONS.—The term “asset” in-
16 cludes assets described in subparagraph (A)
17 that are considered to be mission critical.

18 (2) ASSET MANAGEMENT REPORT.—The term
19 “Asset Management Report” means—

20 (A) the annual plan prepared by the Bu-
21 reau of Reclamation known as the “Asset Man-
22 agement Plan”; and

23 (B) any publicly available information re-
24 lating to the plan described in subparagraph
25 (A) that summarizes the efforts of the Bureau

1 of Reclamation to evaluate and manage infra-
2 structure assets of the Bureau of Reclamation.

3 (3) MAJOR REPAIR AND REHABILITATION
4 NEED.—The term “major repair and rehabilitation
5 need” means major nonrecurring maintenance at a
6 Reclamation facility, including maintenance related
7 to the safety of dams, extraordinary maintenance of
8 dams, deferred major maintenance activities, and all
9 other significant repairs and extraordinary mainte-
10 nance.

11 (4) RECLAMATION FACILITY.—The term “Rec-
12 lamation facility” means each of the infrastructure
13 assets that are owned by the Bureau of Reclamation
14 at a Reclamation project.

15 (5) RECLAMATION PROJECT.—The term “Rec-
16 lamation project” means a project that is owned by
17 the Bureau of Reclamation, including all reserved
18 works and transferred works owned by the Bureau
19 of Reclamation.

20 (6) RESERVED WORKS.—The term “reserved
21 works” means buildings, structures, facilities, or
22 equipment that are owned by the Bureau of Rec-
23 lamation for which operations and maintenance are
24 performed by employees of the Bureau of Reclama-
25 tion or through a contract entered into by the Bu-

1 reau of Reclamation, regardless of the source of
2 funding for the operations and maintenance.

3 (7) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (8) TRANSFERRED WORKS.—The term “trans-
6 ferred works” means a Reclamation facility at which
7 operations and maintenance of the facility is carried
8 out by a non-Federal entity under the provisions of
9 a formal operations and maintenance transfer con-
10 tract or other legal agreement with the Bureau of
11 Reclamation.

12 **SEC. 6312. ASSET MANAGEMENT REPORT ENHANCEMENTS**
13 **FOR RESERVED WORKS.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of enactment of this Act, the Secretary shall submit
16 to Congress an Asset Management Report that—

17 (1) describes the efforts of the Bureau of Rec-
18 lamation—

19 (A) to maintain in a reliable manner all re-
20 served works at Reclamation facilities; and

21 (B) to standardize and streamline data re-
22 porting and processes across regions and areas
23 for the purpose of maintaining reserved works
24 at Reclamation facilities; and

1 (2) expands on the information otherwise pro-
2 vided in an Asset Management Report, in accord-
3 ance with subsection (b).

4 (b) INFRASTRUCTURE MAINTENANCE NEEDS AS-
5 SESSMENT.—

6 (1) IN GENERAL.—The Asset Management Re-
7 port submitted under subsection (a) shall include—

8 (A) a detailed assessment of major repair
9 and rehabilitation needs for all reserved works
10 at all Reclamation projects; and

11 (B) to the extent practicable, an itemized
12 list of major repair and rehabilitation needs of
13 individual Reclamation facilities at each Rec-
14 lamation project.

15 (2) INCLUSIONS.—To the extent practicable,
16 the itemized list of major repair and rehabilitation
17 needs under paragraph (1)(B) shall include—

18 (A) a budget level cost estimate of the ap-
19 propriations needed to complete each item; and

20 (B) an assignment of a categorical rating
21 for each item, consistent with paragraph (3).

22 (3) RATING REQUIREMENTS.—

23 (A) IN GENERAL.—The system for assign-
24 ing ratings under paragraph (2)(B) shall be—

1 (i) consistent with existing uniform
2 categorization systems to inform the an-
3 nual budget process and agency require-
4 ments; and

5 (ii) subject to the guidance and in-
6 structions issued under subparagraph (B).

7 (B) GUIDANCE.—As soon as practicable
8 after the date of enactment of this Act, the Sec-
9 retary shall issue guidance that describes the
10 applicability of the rating system applicable
11 under paragraph (2)(B) to Reclamation facili-
12 ties.

13 (4) PUBLIC AVAILABILITY.—Except as provided
14 in paragraph (5), the Secretary shall make publicly
15 available, including on the Internet, the Asset Man-
16 agement Report required under subsection (a).

17 (5) CONFIDENTIALITY.—The Secretary may ex-
18 clude from the public version of the Asset Manage-
19 ment Report made available under paragraph (4)
20 any information that the Secretary identifies as sen-
21 sitive or classified, but shall make available to the
22 Committee on Energy and Natural Resources of the
23 Senate and the Committee on Natural Resources of
24 the House of Representatives a version of the report
25 containing the sensitive or classified information.

1 (c) UPDATES.—Not later than 2 years after the date
2 on which the Asset Management Report is submitted
3 under subsection (a) and biennially thereafter, the Sec-
4 retary shall update the Asset Management Report, subject
5 to the requirements of section 6313(b)(2).

6 (d) CONSULTATION.—To the extent that such con-
7 sultation would assist the Secretary in preparing the Asset
8 Management Report under subsection (a) and updates to
9 the Asset Management Report under subsection (c), the
10 Secretary shall consult with—

11 (1) the Secretary of the Army (acting through
12 the Chief of Engineers); and

13 (2) water and power contractors.

14 **SEC. 6313. ASSET MANAGEMENT REPORT ENHANCEMENTS**
15 **FOR TRANSFERRED WORKS.**

16 (a) IN GENERAL.—The Secretary shall coordinate
17 with the non-Federal entities responsible for the operation
18 and maintenance of transferred works in developing re-
19 porting requirements for Asset Management Reports with
20 respect to major repair and rehabilitation needs for trans-
21 ferred works that are similar to the reporting require-
22 ments described in section 6312(b).

23 (b) GUIDANCE.—

24 (1) IN GENERAL.—After considering input from
25 water and power contractors of the Bureau of Rec-

1 lamation, the Secretary shall develop and implement
2 a rating system for transferred works that incor-
3 porates, to the maximum extent practicable, the rat-
4 ing system for major repair and rehabilitation needs
5 for reserved works developed under section
6 6312(b)(3).

7 (2) UPDATES.—The ratings system developed
8 under paragraph (1) shall be included in the up-
9 dated Asset Management Reports under section
10 6312(e).

11 **SEC. 6314. OFFSET.**

12 Notwithstanding any other provision of law, in the
13 case of the project authorized by section 1617 of the Rec-
14 lamation Projects Authorization and Adjustment Act of
15 1992 (43 U.S.C. 390h–12c), the maximum amount of the
16 Federal share of the cost of the project under section
17 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) other-
18 wise available as of the date of enactment of this Act shall
19 be reduced by \$2,000,000.

20 **PART III—BASIN WATER MANAGEMENT**

21 **Subpart A—Yakima River Basin Water Enhancement**

22 **SEC. 6321. SHORT TITLE.**

23 This subpart may be cited as the “Yakima River
24 Basin Water Enhancement Project Phase III Act of
25 2016”.

1 **SEC. 6322. MODIFICATION OF TERMS, PURPOSES, AND**
2 **DEFINITIONS.**

3 (a) MODIFICATION OF TERMS.—Title XII of Public
4 Law 103–434 (108 Stat. 4550) is amended—

5 (1) by striking “Yakama Indian” each place it
6 appears (except section 1204(g)) and inserting
7 “Yakama”; and

8 (2) by striking “Superintendent” each place it
9 appears and inserting “Manager”.

10 (b) MODIFICATION OF PURPOSES.—Section 1201 of
11 Public Law 103–434 (108 Stat. 4550) is amended—

12 (1) by striking paragraph (1) and inserting the
13 following:

14 “(1) to protect, mitigate, and enhance fish and
15 wildlife and the recovery and maintenance of self-
16 sustaining harvestable populations of fish and other
17 aquatic life, both anadromous and resident species,
18 throughout their historic distribution range in the
19 Yakima Basin through—

20 “(A) improved water management and the
21 constructions of fish passage at storage and di-
22 version dams, as authorized under the Hoover
23 Power Plant Act of 1984 (43 U.S.C. 619 et
24 seq.);

25 “(B) improved instream flows and water
26 supplies;

1 “(C) improved water quality, watershed,
2 and ecosystem function;

3 “(D) protection, creation, and enhance-
4 ment of wetlands; and

5 “(E) other appropriate means of habitat
6 improvement;”;

7 (2) in paragraph (2), by inserting “, municipal,
8 industrial, and domestic water supply and use pur-
9 poses, especially during drought years, including re-
10 ducing the frequency and severity of water supply
11 shortages for pro-ratable irrigation entities” before
12 the semicolon at the end;

13 (3) by striking paragraph (4);

14 (4) by redesignating paragraph (3) as para-
15 graph (4);

16 (5) by inserting after paragraph (2) the fol-
17 lowing:

18 “(3) to authorize the Secretary to make water
19 available for purchase or lease for meeting munic-
20 ipal, industrial, and domestic water supply pur-
21 poses;”;

22 (6) by redesignating paragraphs (5) and (6) as
23 paragraphs (6) and (8), respectively;

24 (7) by inserting after paragraph (4) (as so re-
25 designated) the following:

1 “(5) to realize sufficient water savings from im-
2 plementing the Yakima River Basin Integrated
3 Water Resource Management Plan, so that not less
4 than 85,000 acre feet of water savings are achieved
5 by implementing the first phase of the Integrated
6 Plan pursuant to section 1213(a), in addition to the
7 165,000 acre feet of water savings targeted through
8 the Basin Conservation Program, as authorized on
9 October 31, 1994;”;

10 (8) in paragraph (6) (as so redesignated)—

11 (A) by inserting “an increase in” before
12 “voluntary”; and

13 (B) by striking “and” at the end;

14 (9) by inserting after paragraph (6) (as so re-
15 designated) the following:

16 “(7) to encourage an increase in the use of, and
17 reduce the barriers to, water transfers, leasing, mar-
18 kets, and other voluntary transactions among public
19 and private entities to enhance water management
20 in the Yakima River basin;”;

21 (10) in paragraph (8) (as redesignated by para-
22 graph (6)), by striking the period at the end and in-
23 serting a semicolon; and

24 (11) by adding at the end the following:

1 “(9) to improve the resilience of the ecosystems,
2 economies, and communities in the Basin as they
3 face drought, hydrologic changes, and other related
4 changes and variability in natural and human sys-
5 tems, for the benefit of both the people and the fish
6 and wildlife of the region; and

7 “(10) to authorize and implement the Yakima
8 River Basin Integrated Water Resource Manage-
9 ment Plan as Phase III of the Yakima River Basin
10 Water Enhancement Project, as a balanced and
11 cost-effective approach to maximize benefits to the
12 communities and environment in the Basin.”.

13 (c) MODIFICATION OF DEFINITIONS.—Section 1202
14 of Public Law 103–434 (108 Stat. 4550) is amended—

15 (1) by redesignating paragraphs (6), (7), (8),
16 (9), (10), (11), (12), (13), and (14) as paragraphs
17 (8), (10), (11), (13), (14), (15), (16), (18), and
18 (19), respectively;

19 (2) by inserting after paragraph (5) the fol-
20 lowing:

21 “(6) DESIGNATED FEDERAL OFFICIAL.—The
22 term ‘designated Federal official’ means the Com-
23 missioner of Reclamation (or a designee), acting
24 pursuant to the charter of the Conservation Advisory
25 Group.

1 “(7) INTEGRATED PLAN.—The terms ‘Inte-
2 grated Plan’ and ‘Yakima River Basin Integrated
3 Water Resource Plan’ mean the plan and activities
4 authorized by the Yakima River Basin Water En-
5 hancement Project Phase III Act of 2016 and the
6 amendments made by that subpart, to be carried out
7 in cooperation with and in addition to activities of
8 the State of Washington and Yakama Nation.”;

9 (3) by inserting after paragraph (8) (as redesign-
10 nated by paragraph (1)) the following:

11 “(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC
12 WATER SUPPLY AND USE.—The term ‘municipal, in-
13 dustrial, and domestic water supply and use’ means
14 the supply and use of water for—

15 “(A) domestic consumption (whether urban
16 or rural);

17 “(B) maintenance and protection of public
18 health and safety;

19 “(C) manufacture, fabrication, processing,
20 assembly, or other production of a good or com-
21 modity;

22 “(D) production of energy;

23 “(E) fish hatcheries; or

1 “(F) water conservation activities relating
2 to a use described in subparagraphs (A)
3 through (E).”;

4 (4) by inserting after paragraph (11) (as redesi-
5 gnated by paragraph (1)) the following:

6 “(12) PRORATABLE IRRIGATION ENTITY.—The
7 term ‘proratable irrigation entity’ means a district,
8 project, or State-recognized authority, board of con-
9 trol, agency, or entity located in the Yakima River
10 basin that—

11 “(A) manages and delivers irrigation water
12 to farms in the basin; and

13 “(B) possesses, or the members of which
14 possess, water rights that are proratable during
15 periods of water shortage.”; and

16 (5) by inserting after paragraph (16) (as redesi-
17 gnated by paragraph (1)) the following:

18 “(17) YAKIMA ENHANCEMENT PROJECT; YAK-
19 IMA RIVER BASIN WATER ENHANCEMENT
20 PROJECT.—The terms ‘Yakima Enhancement
21 Project’ and ‘Yakima River Basin Water Enhance-
22 ment Project’ mean the Yakima River basin water
23 enhancement project authorized by Congress pursu-
24 ant to this Act and other Acts (including Public Law
25 96–162 (93 Stat. 1241), section 109 of Public Law

1 98–381 (16 U.S.C. 839b note; 98 Stat. 1340), Pub-
2 lic Law 105–62 (111 Stat. 1320), and Public Law
3 106–372 (114 Stat. 1425)) to promote water con-
4 servation, water supply, habitat, and stream en-
5 hancement improvements in the Yakima River
6 basin.”.

7 **SEC. 6323. YAKIMA RIVER BASIN WATER CONSERVATION**
8 **PROGRAM.**

9 Section 1203 of Public Law 103–434 (108 Stat.
10 4551) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) in the second sentence, by striking
14 “title” and inserting “section”; and

15 (ii) in the third sentence, by striking
16 “within 5 years of the date of enactment
17 of this Act”; and

18 (B) in paragraph (2), by striking “irriga-
19 tion” and inserting “the number of irrigated
20 acres”;

21 (2) in subsection (c)—

22 (A) in paragraph (2)—

23 (i) in each of subparagraphs (A)
24 through (D), by striking the comma at the
25 end and inserting a semicolon;

1 (ii) in subparagraph (E), by striking
2 the comma at the end and inserting “;
3 and”;

4 (iii) in subparagraph (F), by striking
5 “Department of Wildlife of the State of
6 Washington, and” and inserting “Depart-
7 ment of Fish and Wildlife of the State of
8 Washington.”; and

9 (iv) by striking subparagraph (G);

10 (B) in paragraph (3)—

11 (i) in each of subparagraphs (A)
12 through (C), by striking the comma at the
13 end and inserting a semicolon;

14 (ii) in subparagraph (D), by striking
15 “, and” and inserting a semicolon;

16 (iii) in subparagraph (E), by striking
17 the period at the end and inserting “;
18 and”; and

19 (iv) by adding at the end the fol-
20 lowing:

21 “(F) provide recommendations to advance
22 the purposes and programs of the Yakima En-
23 hancement Project, including the Integrated
24 Plan.”; and

1 (C) by striking paragraph (4) and insert-
2 ing the following:

3 “(4) AUTHORITY OF DESIGNATED FEDERAL OF-
4 FICIAL.—The designated Federal official may—

5 “(A) arrange and provide logistical support
6 for meetings of the Conservation Advisory
7 Group;

8 “(B) use a facilitator to serve as a moder-
9 ator for meetings of the Conservation Advisory
10 Group or provide additional logistical support;
11 and

12 “(C) grant any request for a facilitator by
13 any member of the Conservation Advisory
14 Group.”;

15 (3) in subsection (d), by adding at the end the
16 following:

17 “(4) PAYMENT OF LOCAL SHARE BY STATE OR
18 FEDERAL GOVERNMENT.—

19 “(A) IN GENERAL.—The State or the Fed-
20 eral Government may fund not more than the
21 17.5 percent local share of the costs of the
22 Basin Conservation Program in exchange for
23 the long-term use of conserved water, subject to
24 the requirement that the funding by the Fed-
25 eral Government of the local share of the costs

1 shall provide a quantifiable public benefit in
2 meeting Federal responsibilities in the Basin
3 and the purposes of this title.

4 “(B) USE OF CONSERVED WATER.—The
5 Yakima Project Manager may use water result-
6 ing from conservation measures taken under
7 this title, in addition to water that the Bureau
8 of Reclamation may acquire from any willing
9 seller through purchase, donation, or lease, for
10 water management uses pursuant to this title.”;

11 (4) in subsection (e), by striking the first sen-
12 tence and inserting the following: “To participate in
13 the Basin Conservation Program, as described in
14 subsection (b), an entity shall submit to the Sec-
15 retary a proposed water conservation plan.”;

16 (5) in subsection (i)(3)—

17 (A) by striking “purchase or lease” each
18 place it appears and inserting “purchase, lease,
19 or management”; and

20 (B) in the third sentence, by striking
21 “made immediately upon availability” and all
22 that follows through “Committee” and inserting
23 “continued as needed to provide water to be
24 used by the Yakima Project Manager as rec-
25 ommended by the System Operations Advisory

1 Committee and the Conservation Advisory
2 Group”; and

3 (6) in subsection (j)(4), in the first sentence, by
4 striking “initial acquisition” and all that follows
5 through “flushing flows” and inserting “acquisition
6 of water from willing sellers or lessors specifically to
7 provide improved instream flows for anadromous
8 and resident fish and other aquatic life, including
9 pulse flows to facilitate outward migration of anad-
10 romous fish”.

11 **SEC. 6324. YAKIMA BASIN WATER PROJECTS, OPERATIONS,**
12 **AND AUTHORIZATIONS.**

13 (a) YAKAMA NATION PROJECTS.—Section 1204 of
14 Public Law 103–434 (108 Stat. 4555) is amended—

15 (1) in subsection (a)(2), in the first sentence,
16 by striking “not more than \$23,000,000” and in-
17 serting “not more than \$100,000,000”; and

18 (2) in subsection (g)—

19 (A) by striking the subsection heading and
20 inserting “REDESIGNATION OF YAKAMA INDIAN
21 NATION TO YAKAMA NATION.—”;

22 (B) by striking paragraph (1) and insert-
23 ing the following:

24 “(1) REDESIGNATION.—The Confederated
25 Tribes and Bands of the Yakama Indian Nation

1 shall be known and designated as the ‘Confederated
2 Tribes and Bands of the Yakama Nation.’”; and

3 (C) in paragraph (2), by striking “deemed
4 to be a reference to the ‘Confederated Tribes
5 and Bands of the Yakama Indian Nation.’” and
6 inserting “deemed to be a reference to the
7 ‘Confederated Tribes and Bands of the Yakama
8 Nation’.”.

9 (b) OPERATION OF YAKIMA BASIN PROJECTS.—Sec-
10 tion 1205 of Public Law 103–434 (108 Stat. 4557) is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (4)—

14 (i) in subparagraph (A)—

15 (I) in clause (i)—

16 (aa) by inserting “addi-
17 tional” after “secure”;

18 (bb) by striking “flushing”
19 and inserting “pulse”; and

20 (cc) by striking “uses” and
21 inserting “uses, in addition to the
22 quantity of water provided under
23 the treaty between the Yakama
24 Nation and the United States”;

25 (II) by striking clause (ii);

1 (III) by redesignating clause (iii)

2 as clause (ii); and

3 (IV) in clause (ii) (as so redesign-

4 nated) by inserting “and water rights

5 mandated” after “goals”; and

6 (ii) in subparagraph (B)(i), in the

7 first sentence, by inserting “in proportion

8 to the funding received” after “Program”;

9 (2) in subsection (b) (as amended by section

10 6322(a)(2)), in the second sentence, by striking

11 “instream flows for use by the Yakima Project Man-

12 ager as flushing flows or as otherwise” and inserting

13 “fishery purposes, as”; and

14 (3) in subsection (e), by striking paragraph (1)

15 and inserting the following:

16 “(1) IN GENERAL.—Additional purposes of the

17 Yakima Project shall be any of the following:

18 “(A) To recover and maintain self-sus-

19 taining harvestable populations of native fish,

20 both anadromous and resident species, through-

21 out their historic distribution range in the Yak-

22 ima Basin.

23 “(B) To protect, mitigate, and enhance

24 aquatic life and wildlife.

25 “(C) Recreation.

1 “(D) Municipal, industrial, and domestic
2 use.”.

3 (c) LAKE CLE ELUM AUTHORIZATION OF APPRO-
4 PRIATIONS.—Section 1206(a)(1) of Public Law 103–434
5 (108 Stat. 4560), is amended, in the matter preceding
6 subparagraph (A), by striking “at September” and all that
7 follows through “to—” and inserting “not more than
8 \$12,000,000 to—”.

9 (d) ENHANCEMENT OF WATER SUPPLIES FOR YAK-
10 IMA BASIN TRIBUTARIES.—Section 1207 of Public Law
11 103–434 (108 Stat. 4560) is amended—

12 (1) in the heading, by striking “**SUPPLIES**”
13 and inserting “**MANAGEMENT**”;

14 (2) in subsection (a)—

15 (A) in the matter preceding paragraph (1),
16 by striking “supplies” and inserting “manage-
17 ment”;

18 (B) in paragraph (1), by inserting “and
19 water supply entities” after “owners”; and

20 (C) in paragraph (2)—

21 (i) in subparagraph (A), by inserting
22 “that choose not to participate or opt out
23 of tributary enhancement projects pursu-
24 ant to this section” after “water right own-
25 ers”; and

1 (ii) in subparagraph (B), by inserting
2 “nonparticipating” before “tributary water
3 users”;

4 (3) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) by striking the paragraph designa-
7 tion and all that follows through “(but not
8 limited to)—” and inserting the following:

9 “(1) IN GENERAL.—The Secretary, following
10 consultation with the State of Washington, tributary
11 water right owners, and the Yakama Nation, and on
12 agreement of appropriate water right owners, is au-
13 thORIZED to conduct studies to evaluate measures to
14 further Yakima Project purposes on tributaries to
15 the Yakima River. Enhancement programs that use
16 measures authorized by this subsection may be in-
17 vestigated and implemented by the Secretary in trib-
18 utaries to the Yakima River, including Taneum
19 Creek, other areas, or tributary basins that currently
20 or could potentially be provided supplemental or
21 transfer water by entities, such as the Kittitas Rec-
22 lamation District or the Yakima-Tieton Irrigation
23 District, subject to the condition that activities may
24 commence on completion of applicable and required
25 feasibility studies, environmental reviews, and cost-

1 benefit analyses that include favorable recommenda-
2 tions for further project development, as appro-
3 priate. Measures to evaluate include—”;

4 (ii) by indenting subparagraphs (A)
5 through (F) appropriately;

6 (iii) in subparagraph (A), by inserting
7 before the semicolon at the end the fol-
8 lowing: “, including irrigation efficiency
9 improvements (in coordination with pro-
10 grams of the Department of Agriculture),
11 consolidation of diversions or administra-
12 tion, and diversion scheduling or coordina-
13 tion”;

14 (iv) by redesignating subparagraphs
15 (C) through (F) as subparagraphs (E)
16 through (H), respectively;

17 (v) by inserting after subparagraph
18 (B) the following:

19 “(C) improvements in irrigation system
20 management or delivery facilities within the
21 Yakima River basin when those improvements
22 allow for increased irrigation system conveyance
23 and corresponding reduction in diversion from
24 tributaries or flow enhancements to tributaries

1 through direct flow supplementation or ground-
2 water recharge;

3 “(D) improvements of irrigation system
4 management or delivery facilities to reduce or
5 eliminate excessively high flows caused by the
6 use of natural streams for conveyance or irriga-
7 tion water or return water;”;

8 (vi) in subparagraph (E) (as redesign-
9 nated by clause (iv)), by striking “ground
10 water” and inserting “groundwater re-
11 charge and”;

12 (vii) in subparagraph (G) (as redesign-
13 nated by clause (iv)), by inserting “or
14 transfer” after “purchase”; and

15 (viii) in subparagraph (H) (as redesign-
16 nated by clause (iv)), by inserting “stream
17 processes and” before “stream habitats”;

18 (B) in paragraph (2)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “the Taneum Creek
21 study” and inserting “studies under this
22 subsection”;

23 (ii) in subparagraph (B)—

1 (I) by striking “and economic”
2 and inserting “, infrastructure, eco-
3 nomic, and land use”; and

4 (II) by striking “and” at the end;

5 (iii) in subparagraph (C), by striking
6 the period at the end and inserting “;
7 and”; and

8 (iv) by adding at the end the fol-
9 lowing:

10 “(D) any related studies already underway
11 or undertaken.”; and

12 (C) in paragraph (3), in the first sentence,
13 by inserting “of each tributary or group of trib-
14 utaries” after “study”;

15 (4) in subsection (c)—

16 (A) in the heading, by inserting “**AND**
17 **NONSURFACE STORAGE**” after “**NONSTOR-**
18 **AGE**”; and

19 (B) in the matter preceding paragraph (1),
20 by inserting “and nonsurface storage” after
21 “nonstorage”;

22 (5) by striking subsection (d);

23 (6) by redesignating subsection (e) as sub-
24 section (d); and

1 (7) in paragraph (2) of subsection (d) (as so re-
2 designated)—

3 (A) in the first sentence—

4 (i) by inserting “and implementation”
5 after “investigation”;

6 (ii) by striking “other” before “Yak-
7 ima River”; and

8 (iii) by inserting “and other water
9 supply entities” after “owners”; and

10 (B) by striking the second sentence.

11 (e) CHANDLER PUMPING PLANT AND POWERPLANT-
12 OPERATIONS AT PROSSER DIVERSION DAM.—Section
13 1208(d) of Public Law 103–434 (108 Stat. 4562; 114
14 Stat. 1425) is amended by inserting “negatively” before
15 “affected”.

16 (f) INTERIM COMPREHENSIVE BASIN OPERATING
17 PLAN.—Section 1210(e) of Public Law 103–434 (108
18 Stat. 4564) is amended by striking “\$100,000” and in-
19 serting “\$200,000”.

20 (g) ENVIRONMENTAL COMPLIANCE.—Section 1211
21 of Public Law 103–434 (108 Stat. 4564) is amended by
22 striking “\$2,000,000” and inserting “\$5,000,000”.

1 **SEC. 6325. AUTHORIZATION OF PHASE III OF YAKIMA RIVER**
2 **BASIN WATER ENHANCEMENT PROJECT.**

3 Title XII of Public Law 103–434 (108 Stat. 4550)
4 is amended by adding at the end the following:

5 **“SEC. 1213. AUTHORIZATION OF THE INTEGRATED PLAN AS**
6 **PHASE III OF YAKIMA RIVER BASIN WATER**
7 **ENHANCEMENT PROJECT.**

8 “(a) INTEGRATED PLAN.—

9 “(1) IN GENERAL.—The Secretary shall imple-
10 ment the Integrated Plan as Phase III of the Yak-
11 ima River Basin Water Enhancement Project in ac-
12 cordance with this section and applicable laws.

13 “(2) INITIAL DEVELOPMENT PHASE OF THE IN-
14 TEGRATED PLAN.—

15 “(A) IN GENERAL.—The Secretary, in co-
16 ordination with the State of Washington and
17 Yakama Nation and subject to feasibility stud-
18 ies, environmental reviews, and the availability
19 of appropriations, shall implement an initial de-
20 velopment phase of the Integrated Plan, to—

21 “(i) complete the planning, design,
22 and construction or development of up-
23 stream and downstream fish passage facili-
24 ties, as previously authorized by the Hoo-
25 ver Power Plant Act of 1984 (43 U.S.C.
26 619 et seq.) at Cle Elum Reservoir and an-

1 other Yakima Project reservoir identified
2 by the Secretary as consistent with the In-
3 tegrated Plan, subject to the condition
4 that, if the Yakima Project reservoir iden-
5 tified by the Secretary contains a hydro-
6 power project licensed by the Federal En-
7 ergy Regulatory Commission, the Secretary
8 shall cooperate with the Federal Energy
9 Regulatory Commission in a timely manner
10 to ensure that actions taken by the Sec-
11 retary are consistent with the applicable
12 hydropower project license;

13 “(ii) negotiate long-term agreements
14 with participating proratable irrigation en-
15 tities in the Yakima Basin and, acting
16 through the Bureau of Reclamation, co-
17 ordinate between Bureaus of the Depart-
18 ment of the Interior and with the heads of
19 other Federal agencies to negotiate agree-
20 ments concerning leases, easements, and
21 rights-of-way on Federal land, and other
22 terms and conditions determined to be nec-
23 essary to allow for the non-Federal financ-
24 ing, construction, operation, and mainte-
25 nance of—

1 “(I) new facilities needed to ac-
2 cess and deliver inactive storage in
3 Lake Kachess for the purpose of pro-
4 viding drought relief for irrigation
5 (known as the ‘Kachess Drought Re-
6 lief Pumping Plant’); and

7 “(II) a conveyance system to
8 allow transfer of water between
9 Keechelus Reservoir to Kachess Res-
10 ervoir for purposes of improving oper-
11 ational flexibility for the benefit of
12 both fish and irrigation (known as the
13 ‘K to K Pipeline’);

14 “(iii) participate in, provide funding
15 for, and accept non-Federal financing
16 for—

17 “(I) water conservation projects,
18 not subject to the provisions of the
19 Basin Conservation Program de-
20 scribed in section 1203, that are in-
21 tended to partially implement the In-
22 tegrated Plan by providing 85,000
23 acre-feet of conserved water to im-
24 prove tributary and mainstem stream
25 flow; and

1 “(II) aquifer storage and recov-
2 ery projects;

3 “(iv) study, evaluate, and conduct fea-
4 sibility analyses and environmental reviews
5 of fish passage, water supply (including
6 groundwater and surface water storage),
7 conservation, habitat restoration projects,
8 and other alternatives identified as con-
9 sistent with the purposes of this Act, for
10 the initial and future phases of the Inte-
11 grated Plan;

12 “(v) coordinate with and assist the
13 State of Washington in implementing a ro-
14 bust water market to enhance water man-
15 agement in the Yakima River basin, in-
16 cluding—

17 “(I) assisting in identifying ways
18 to encourage and increase the use of,
19 and reduce the barriers to, water
20 transfers, leasing, markets, and other
21 voluntary transactions among public
22 and private entities in the Yakima
23 River basin;

1 ations, maintenance, and management
2 of that land and water.

3 “(II) To combine or relocate di-
4 version points, remove fish barriers,
5 or for other activities that increase
6 flows or improve habitat in the Yak-
7 ima River and its tributaries in fur-
8 therance of this title.

9 “(III) To implement, in partner-
10 ship with Federal and non-Federal en-
11 tities, projects to enhance the health
12 and resilience of the watershed.

13 “(B) COMMENCEMENT DATE.—The Sec-
14 retary shall commence implementation of the
15 activities included under the initial development
16 phase pursuant to this paragraph—

17 “(i) on the date of enactment of this
18 section; and

19 “(ii) on completion of applicable feasi-
20 bility studies, environmental reviews, and
21 cost-benefit analyses that include favorable
22 recommendations for further project devel-
23 opment.

24 “(3) INTERMEDIATE AND FINAL PHASES.—

1 “(A) IN GENERAL.—The Secretary, in co-
2 ordination with the State of Washington and in
3 consultation with the Yakama Nation, shall de-
4 velop plans for intermediate and final develop-
5 ment phases of the Integrated Plan to achieve
6 the purposes of this Act, including conducting
7 applicable feasibility studies, environmental re-
8 views, and other relevant studies needed to de-
9 velop the plans.

10 “(B) INTERMEDIATE PHASE.—The Sec-
11 retary shall develop an intermediate develop-
12 ment phase to implement the Integrated Plan
13 that, subject to authorization and appropria-
14 tion, would commence not later than 10 years
15 after the date of enactment of this section.

16 “(C) FINAL PHASE.—The Secretary shall
17 develop a final development phase to implement
18 the Integrated Plan that, subject to authoriza-
19 tion and appropriation, would commence not
20 later than 20 years after the date of enactment
21 of this section.

22 “(4) CONTINGENCIES.—The implementation by
23 the Secretary of projects and activities identified for
24 implementation under the Integrated Plan shall be—

1 “(A) subject to authorization and appro-
2 priation;

3 “(B) contingent on the completion of appli-
4 cable feasibility studies, environmental reviews,
5 and cost-benefit analyses that include favorable
6 recommendations for further project develop-
7 ment;

8 “(C) implemented on public review and a
9 determination by the Secretary that design,
10 construction, and operation of a proposed
11 project or activity is in the best interest of the
12 public; and

13 “(D) in compliance with all applicable
14 laws, including the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.)
16 and the Endangered Species Act of 1973 (16
17 U.S.C. 1531 et seq.).

18 “(5) PROGRESS REPORT.—

19 “(A) IN GENERAL.—Not later than 5 years
20 after the date of enactment of this section, the
21 Secretary, in conjunction with the State of
22 Washington and in consultation with the
23 Yakama Nation, shall submit to the Committee
24 on Energy and Natural Resources of the Senate
25 and the Committee on Natural Resources of the

1 House of Representatives a progress report on
2 the development and implementation of the In-
3 tegrated Plan.

4 “(B) REQUIREMENTS.—The progress re-
5 port under this paragraph shall—

6 “(i) provide a review and reassess-
7 ment, if needed, of the objectives of the In-
8 tegrated Plan, as applied to all elements of
9 the Integrated Plan;

10 “(ii) assess, through performance
11 metrics developed at the initiation of, and
12 measured throughout the implementation
13 of, the Integrated Plan, the degree to
14 which the implementation of the initial de-
15 velopment phase addresses the objectives
16 and all elements of the Integrated Plan;

17 “(iii) identify the amount of Federal
18 funding and non-Federal contributions re-
19 ceived and expended during the period cov-
20 ered by the report;

21 “(iv) describe the pace of project de-
22 velopment during the period covered by the
23 report;

24 “(v) identify additional projects and
25 activities proposed for inclusion in any fu-

1 ture phase of the Integrated Plan to ad-
2 dress the objectives of the Integrated Plan,
3 as applied to all elements of the Integrated
4 Plan; and

5 “(vi) for water supply projects—

6 “(I) provide a preliminary discus-
7 sion of the means by which—

8 “(aa) water and costs asso-
9 ciated with each recommended
10 project would be allocated among
11 authorized uses; and

12 “(bb) those allocations
13 would be consistent with the ob-
14 jectives of the Integrated Plan;
15 and

16 “(II) establish a plan for solie-
17 iting and formalizing subscriptions
18 among individuals and entities for
19 participation in any of the rec-
20 ommended water supply projects that
21 will establish the terms for participa-
22 tion, including fiscal obligations asso-
23 ciated with subscription.

1 “(b) FINANCING, CONSTRUCTION, OPERATION, AND
2 MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING
3 PLANT AND K TO K PIPELINE.—

4 “(1) AGREEMENTS.—Long-term agreements ne-
5 gotiated between the Secretary and participating
6 proratable irrigation entities in the Yakima Basin
7 for the non-Federal financing, construction, oper-
8 ation, and maintenance of the Drought Relief Pump-
9 ing Plant and K to K Pipeline shall include provi-
10 sions regarding—

11 “(A) responsibilities of the participating
12 proratable irrigation entities for the planning,
13 design, and construction of infrastructure in
14 consultation and coordination with the Sec-
15 retary;

16 “(B) property titles and responsibilities of
17 the participating proratable irrigation entities
18 for the maintenance of and liability for all in-
19 frastructure constructed under this title;

20 “(C) operation and integration of the
21 projects by the Secretary in the operation of the
22 Yakima Project;

23 “(D) costs associated with the design, fi-
24 nancing, construction, operation, maintenance,
25 and mitigation of projects, with the costs of

1 Federal oversight and review to be nonreim-
2 bursable to the participating proratable irriga-
3 tion entities and the Yakima Project; and

4 “(E) responsibilities for the pumping and
5 operational costs necessary to provide the total
6 water supply available made inaccessible due to
7 drought pumping during the preceding 1 or
8 more calendar years, in the event that the
9 Kachess Reservoir fails to refill as a result of
10 pumping drought storage water during the pre-
11 ceding 1 or more calendar years, which shall re-
12 main the responsibility of the participating pro-
13 ratable irrigation entities.

14 “(2) USE OF KACHESS RESERVOIR STORED
15 WATER.—

16 “(A) IN GENERAL.—The additional stored
17 water made available by the construction of fa-
18 cilities to access and deliver inactive storage in
19 Kachess Reservoir under subsection
20 (a)(2)(A)(ii)(I) shall—

21 “(i) be considered to be Yakima
22 Project water;

23 “(ii) not be part of the total water
24 supply available, as that term is defined in
25 various court rulings; and

1 “(iii) be used exclusively by the Sec-
2 retary—

3 “(I) to enhance the water supply
4 in years when the total water supply
5 available is not sufficient to provide
6 70 percent of proratable entitlements
7 in order to make that additional water
8 available up to 70 percent of proratable
9 entitlements to the Kittitas Rec-
10 lamation District, the Roza Irrigation
11 District, or other proratable irrigation
12 entities participating in the construc-
13 tion, operation, and maintenance costs
14 of the facilities under this title under
15 such terms and conditions to which
16 the districts may agree, subject to the
17 conditions that—

18 “(aa) the Bureau of Indian
19 Affairs, the Wapato Irrigation
20 Project, and the Yakama Nation,
21 on an election to participate, may
22 also obtain water from Kachess
23 Reservoir inactive storage to en-
24 hance applicable existing irriga-
25 tion water supply in accordance

1 with such terms and conditions
2 to which the Bureau of Indian
3 Affairs and the Yakama Nation
4 may agree; and

5 “(bb) the additional supply
6 made available under this clause
7 shall be available to participating
8 individuals and entities in pro-
9 portion to the proratable entitle-
10 ments of the participating indi-
11 viduals and entities, or in such
12 other proportion as the partici-
13 pating entities may agree; and

14 “(II) to facilitate reservoir oper-
15 ations in the reach of the Yakima
16 River between Keechelus Dam and
17 Easton Dam for the propagation of
18 anadromous fish.

19 “(B) EFFECT OF PARAGRAPH.—Nothing
20 in this paragraph affects (as in existence on the
21 date of enactment of this section) any contract,
22 law (including regulations) relating to repay-
23 ment costs, water right, or Yakama Nation
24 treaty right.

1 “(3) COMMENCEMENT.—The Secretary shall
2 not commence entering into agreements pursuant to
3 subsection (a)(2)(A)(ii) or subsection (b)(1) or im-
4 plementing any activities pursuant to the agree-
5 ments before the date on which—

6 “(A) all applicable and required feasibility
7 studies, environmental reviews, and cost-benefit
8 analyses have been completed and include favor-
9 able recommendations for further project devel-
10 opment, including an analysis of—

11 “(i) the impacts of the agreements
12 and activities conducted pursuant to sub-
13 section (a)(2)(A)(ii) on adjacent commu-
14 nities, including potential fire hazards,
15 water access for fire districts, community
16 and homeowner wells, future water levels
17 based on projected usage, recreational val-
18 ues, and property values; and

19 “(ii) specific options and measures for
20 mitigating the impacts, as appropriate;

21 “(B) the Secretary has made the agree-
22 ments and any applicable project designs, oper-
23 ations plans, and other documents available for
24 public review and comment in the Federal Reg-
25 ister for a period of not less than 60 days; and

1 “(C) the Secretary has made a determina-
2 tion, consistent with applicable law, that the
3 agreements and activities to which the agree-
4 ments relate—

5 “(i) are in the public interest; and

6 “(ii) could be implemented without
7 significant adverse impacts to the environ-
8 ment.

9 “(4) ELECTRICAL POWER ASSOCIATED WITH
10 KACHESS DROUGHT RELIEF PUMPING PLANT.—

11 “(A) IN GENERAL.—The Administrator of
12 the Bonneville Power Administration, pursuant
13 to the Pacific Northwest Electric Power Plan-
14 ning and Conservation Act (16 U.S.C. 839 et
15 seq.), shall provide to the Secretary project
16 power to operate the Kachess Pumping Plant
17 constructed under this title if inactive storage
18 in Kachess Reservoir is needed to provide
19 drought relief for irrigation, subject to the re-
20 quirements of subparagraphs (B) and (C).

21 “(B) DETERMINATION.—Power may be
22 provided under subparagraph (A) only if—

23 “(i) there is in effect a drought dec-
24 laration issued by the State of Washington;

1 “(ii) there are conditions that have led
2 to 70 percent or less water delivery to pro-
3 ratable irrigation districts, as determined
4 by the Secretary; and

5 “(iii) the Secretary determines that it
6 is appropriate to provide power under that
7 subparagraph.

8 “(C) PERIOD OF AVAILABILITY.—Power
9 under subparagraph (A) shall be provided until
10 the date on which the Secretary determines that
11 power should no longer be provided under that
12 subparagraph, but for not more than a 1-year
13 period or the period during which the Secretary
14 determines that drought mitigation measures
15 are necessary in the Yakima River basin.

16 “(D) RATE.—The Administrator of the
17 Bonneville Power Administration shall provide
18 power under subparagraph (A) at the then-ap-
19 plicable lowest Bonneville Power Administration
20 rate for public body, cooperative, and Federal
21 agency customers firm obligations, which as of
22 the date of enactment of this section is the pri-
23 ority firm Tier 1 rate, and shall not include any
24 irrigation discount.

1 “(E) LOCAL PROVIDER.—During any pe-
2 riod in which power is not being provided under
3 subparagraph (A), the power needed to operate
4 the Kachess Pumping Plant shall be obtained
5 by the Secretary from a local provider.

6 “(F) COSTS.—The cost of power for such
7 pumping, station service power, and all costs of
8 transmitting power from the Federal Columbia
9 River Power System to the Yakima Enhance-
10 ment Project pumping facilities shall be borne
11 by irrigation districts receiving the benefits of
12 that water.

13 “(G) DUTIES OF COMMISSIONER.—The
14 Commissioner of Reclamation shall be respon-
15 sible for arranging transmission for deliveries of
16 Federal power over the Bonneville system
17 through applicable tariff and business practice
18 processes of the Bonneville system and for ar-
19 ranging transmission for deliveries of power ob-
20 tained from a local provider.

21 “(c) DESIGN AND USE OF GROUNDWATER RE-
22 CHARGE PROJECTS.—

23 “(1) IN GENERAL.—Any water supply that re-
24 sults from an aquifer storage and recovery project

1 shall not be considered to be a part of the total
2 water supply available if—

3 “(A) the water for the aquifer storage and
4 recovery project would not be available for use,
5 but instead for the development of the project;

6 “(B) the aquifer storage and recovery
7 project will not otherwise impair any water sup-
8 ply available for any individual or entity entitled
9 to use the total water supply available; and

10 “(C) the development of the aquifer stor-
11 age and recovery project will not impair fish or
12 other aquatic life in any localized stream reach.

13 “(2) PROJECT TYPES.—The Secretary may pro-
14 vide technical assistance for, and participate in, any
15 of the following 3 types of groundwater recharge
16 projects (including the incorporation of groundwater
17 recharge projects into Yakima Project operations, as
18 appropriate):

19 “(A) Aquifer recharge projects designed to
20 redistribute Yakima Project water within a
21 water year for the purposes of supplementing
22 stream flow during the irrigation season, par-
23 ticularly during storage control, subject to the
24 condition that if such a project is designed to
25 supplement a mainstem reach, the water supply

1 that results from the project shall be credited to
2 instream flow targets, in lieu of using the total
3 water supply available to meet those targets.

4 “(B) Aquifer storage and recovery projects
5 that are designed, within a given water year or
6 over multiple water years—

7 “(i) to supplement or mitigate for mu-
8 nicipal uses;

9 “(ii) to supplement municipal supply
10 in a subsurface aquifer; or

11 “(iii) to mitigate the effect of ground-
12 water use on instream flow or senior water
13 rights.

14 “(C) Aquifer storage and recovery projects
15 designed to supplement existing irrigation water
16 supply, or to store water in subsurface aquifers,
17 for use by the Kittitas Reclamation District,
18 the Roza Irrigation District, or any other pro-
19 ratable irrigation entity participating in the re-
20 payment of the construction, operation, and
21 maintenance costs of the facilities under this
22 section during years in which the total water
23 supply available is insufficient to provide to
24 those proratable irrigation entities all water to

1 which the entities are entitled, subject to the
2 conditions that—

3 “(i) the Bureau of Indian Affairs, the
4 Wapato Irrigation Project, and the
5 Yakama Nation, on an election to partici-
6 pate, may also obtain water from aquifer
7 storage to enhance applicable existing irri-
8 gation water supply in accordance with
9 such terms and conditions to which the
10 Bureau of Indian Affairs and the Yakama
11 Nation may agree; and

12 “(ii) nothing in this subparagraph af-
13 fects (as in existence on the date of enact-
14 ment of this section) any contract, law (in-
15 cluding regulations) relating to repayment
16 costs, water right, or Yakama Nation trea-
17 ty right.

18 “(d) FEDERAL COST-SHARE.—

19 “(1) IN GENERAL.—The Federal cost-share of a
20 project carried out under this section shall be deter-
21 mined in accordance with the applicable laws (in-
22 cluding regulations) and policies of the Bureau of
23 Reclamation.

24 “(2) INITIAL PHASE.—The Federal cost-share
25 for the initial development phase of the Integrated

1 Plan shall not exceed 50 percent of the total cost of
2 the initial development phase.

3 “(3) STATE AND OTHER CONTRIBUTIONS.—The
4 Secretary may accept as part of the non-Federal
5 cost-share of a project carried out under this section,
6 and expend as if appropriated, any contribution (in-
7 cluding in-kind services) by the State of Washington
8 or any other individual or entity that the Secretary
9 determines will enhance the conduct and completion
10 of the project.

11 “(4) LIMITATION ON USE OF OTHER FEDERAL
12 FUNDS.—Except as otherwise provided in this title,
13 other Federal funds may not be used to provide the
14 non-Federal cost-share of a project carried out
15 under this section.

16 “(e) SAVINGS AND CONTINGENCIES.—Nothing in this
17 section shall—

18 “(1) be a new or supplemental benefit for pur-
19 poses of the Reclamation Reform Act of 1982 (43
20 U.S.C. 390aa et seq.);

21 “(2) affect any contract in existence on the date
22 of enactment of the Yakima River Basin Water En-
23 hancement Project Phase III Act of 2016 that was
24 executed pursuant to the reclamation laws;

1 “(3) affect any contract or agreement between
2 the Bureau of Indian Affairs and the Bureau of
3 Reclamation;

4 “(4) affect, waive, abrogate, diminish, define, or
5 interpret the treaty between the Yakama Nation and
6 the United States; or

7 “(5) constrain the continued authority of the
8 Secretary to provide fish passage in the Yakima
9 Basin in accordance with the Hoover Power Plant
10 Act of 1984 (43 U.S.C 619 et seq.).

11 **“SEC. 1214. OPERATIONAL CONTROL OF WATER SUPPLIES.**

12 “The Secretary shall retain authority and discretion
13 over the management of project supplies to optimize oper-
14 ational use and flexibility to ensure compliance with all
15 applicable Federal and State laws, treaty rights of the
16 Yakama Nation, and legal obligations, including those
17 contained in this Act. That authority and discretion in-
18 cludes the ability of the United States to store, deliver,
19 conserve, and reuse water supplies deriving from projects
20 authorized under this title.”.

21 **Subpart B—Klamath Project Water and Power**

22 **SEC. 6329. KLAMATH PROJECT.**

23 (a) ADDRESSING WATER MANAGEMENT AND POWER
24 COSTS FOR IRRIGATION.—The Klamath Basin Water

1 Supply Enhancement Act of 2000 (Public Law 106–498;
2 114 Stat. 2221) is amended—

3 (1) by redesignating sections 4 through 6 as
4 sections 5 through 7, respectively; and

5 (2) by inserting after section 3 the following:

6 **“SEC. 4. POWER AND WATER MANAGEMENT.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) COVERED POWER USE.—The term ‘covered
9 power use’ means a use of power to develop or man-
10 age water for irrigation, wildlife purposes, or drain-
11 age on land that is—

12 “(A) associated with the Klamath Project,
13 including land within a unit of the National
14 Wildlife Refuge System that receives water due
15 to the operation of Klamath Project facilities;
16 or

17 “(B) irrigated by the class of users covered
18 by the agreement dated April 30, 1956, be-
19 tween the California Oregon Power Company
20 and Klamath Basin Water Users Protective As-
21 sociation and within the Off Project Area (as
22 defined in the Upper Basin Comprehensive
23 Agreement entered into on April 18, 2014),
24 only if each applicable owner and holder of a
25 possessory interest of the land is a party to that

1 agreement (or a successor agreement that the
2 Secretary determines provides a comparable
3 benefit to the United States).

4 “(2) KLAMATH PROJECT.—

5 “(A) IN GENERAL.—The term ‘Klamath
6 Project’ means the Bureau of Reclamation
7 project in the States of California and Oregon.

8 “(B) INCLUSIONS.—The term ‘Klamath
9 Project’ includes any dams, canals, and other
10 works and interests for water diversion, storage,
11 delivery, and drainage, flood control, and simi-
12 lar functions that are part of the project de-
13 scribed in subparagraph (A).

14 “(3) POWER COST BENCHMARK.—The term
15 ‘power cost benchmark’ means the average net deliv-
16 ered cost of power for irrigation and drainage at
17 Reclamation projects in the area surrounding the
18 Klamath Project that are similarly situated to the
19 Klamath Project, including Reclamation projects
20 that—

21 “(A) are located in the Pacific Northwest;

22 and

23 “(B) receive project-use power.

24 “(b) WATER, ENVIRONMENTAL, AND POWER ACTIVI-
25 TIES.—

1 “(1) IN GENERAL.—Pursuant to the reclama-
2 tion laws and subject to appropriations and required
3 environmental reviews, the Secretary may carry out
4 activities, including entering into an agreement or
5 contract or otherwise making financial assistance
6 available—

7 “(A) to plan, implement, and administer
8 programs to align water supplies and demand
9 for irrigation water users associated with the
10 Klamath Project, with a primary emphasis on
11 programs developed or endorsed by local enti-
12 ties comprised of representatives of those water
13 users;

14 “(B) to plan and implement activities and
15 projects that—

16 “(i) avoid or mitigate environmental
17 effects of irrigation activities; or

18 “(ii) restore habitats in the Klamath
19 Basin watershed, including restoring tribal
20 fishery resources held in trust; and

21 “(C) to limit the net delivered cost of
22 power for covered power uses.

23 “(2) EFFECT.—Nothing in subparagraph (A)
24 or (B) of paragraph (1) authorizes the Secretary—

1 “(A) to develop or construct new facilities
2 for the Klamath Project without appropriate
3 approval from Congress under section 9 of the
4 Reclamation Projects Act of 1939 (43 U.S.C.
5 485h); or

6 “(B) to carry out activities that have not
7 otherwise been authorized.

8 “(c) REDUCING POWER COSTS.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of the Energy Policy
11 Modernization Act of 2016, the Secretary, in con-
12 sultation with interested irrigation interests that are
13 eligible for covered power use and representative or-
14 ganizations of those interests, shall submit to the
15 Committee on Energy and Natural Resources of the
16 Senate and the Committee on Natural Resources of
17 the House of Representatives a report that—

18 “(A) identifies the power cost benchmark;
19 and

20 “(B) recommends actions that, in the judg-
21 ment of the Secretary, are necessary and appro-
22 priate to ensure that the net delivered power
23 cost for covered power use is equal to or less
24 than the power cost benchmark, including a de-
25 scription of—

1 “(i) actions to immediately reduce
2 power costs and to have the net delivered
3 power cost for covered power use be equal
4 to or less than the power cost benchmark
5 in the near term, while longer-term actions
6 are being implemented;

7 “(ii) actions that prioritize water and
8 power conservation and efficiency measures
9 and, to the extent actions involving the de-
10 velopment or acquisition of power genera-
11 tion are included, renewable energy tech-
12 nologies (including hydropower);

13 “(iii) the potential costs and timeline
14 for the actions recommended under this
15 subparagraph;

16 “(iv) provisions for modifying the ac-
17 tions and timeline to adapt to new infor-
18 mation or circumstances; and

19 “(v) a description of public input re-
20 garding the proposed actions, including
21 input from water users that have covered
22 power use and the degree to which those
23 water users concur with the recommenda-
24 tions.

1 “(2) IMPLEMENTATION.—Not later than 180
2 days after the date of submission of the report
3 under paragraph (1), the Secretary shall implement
4 those recommendations described in the report that
5 the Secretary determines will ensure that the net de-
6 livered power cost for covered power use is equal to
7 or less than the power cost benchmark, subject to
8 availability of appropriations, on the fastest prac-
9 ticable timeline.

10 “(3) ANNUAL REPORTS.—The Secretary shall
11 submit to each Committee described in paragraph
12 (1) annual reports describing progress achieved in
13 meeting the requirements of this subsection.

14 “(d) TREATMENT OF POWER PURCHASES.—

15 “(1) IN GENERAL.—Any purchase of power by
16 the Secretary under this section shall be considered
17 to be an authorized sale for purposes of section
18 5(b)(3) of the Pacific Northwest Electric Power
19 Planning and Conservation Act (16 U.S.C.
20 839c(b)(3)).

21 “(2) EFFECT.—Nothing in this section author-
22 izes the Bonneville Power Administration to make a
23 sale of power from the Federal Columbia River
24 Power System at rates, terms, or conditions better

1 than those afforded preference customers of the
2 Bonneville Power Administration.

3 “(e) GOALS.—The goals of activities under sub-
4 sections (b) and (c) shall include, as applicable—

5 “(1) the short-term and long-term reduction
6 and resolution of conflicts relating to water in the
7 Klamath Basin watershed; and

8 “(2) compatibility and utility for protecting nat-
9 ural resources throughout the Klamath Basin water-
10 shed, including the protection, preservation, and res-
11 toration of Klamath River tribal fishery resources,
12 particularly through collaboratively developed agree-
13 ments.

14 “(f) PUMPING PLANT D.—The Secretary may enter
15 into 1 or more agreements with the Tulelake Irrigation
16 District to reimburse the Tulelake Irrigation District for
17 not more than 69 percent of the cost incurred by the
18 Tulelake Irrigation District for the operation and mainte-
19 nance of Pumping Plant D, on the condition that the cost
20 benefits the United States.”.

21 (b) CONVEYANCE OF NON-PROJECT WATER; RE-
22 PLACEMENT OF C CANAL.—

23 (1) DEFINITION OF KLAMATH PROJECT.—In
24 this subsection:

1 (A) IN GENERAL.—The term “Klamath
2 Project” means the Bureau of Reclamation
3 project in the States of California and Oregon.

4 (B) INCLUSIONS.—The term “Klamath
5 Project” includes any dams, canals, and other
6 works and interests for water diversion, storage,
7 delivery, and drainage, flood control, and simi-
8 lar functions that are part of the project de-
9 scribed in subparagraph (A).

10 (2) CONVEYANCE OF NON-PROJECT WATER.—

11 (A) IN GENERAL.—An entity operating
12 under a contract entered into with the United
13 States for the operation and maintenance of
14 Klamath Project works or facilities, and an en-
15 tity operating any work or facility not owned by
16 the United States that receives Klamath Project
17 water, may use any of the Klamath Project
18 works or facilities to convey non-Klamath
19 Project water for any authorized purpose of the
20 Klamath Project, subject to subparagraphs (B)
21 and (C).

22 (B) PERMITS; MEASUREMENT.—An addi-
23 tion, conveyance, and use of water pursuant to
24 subparagraph (A) shall be subject to the re-
25 quirements that—

1 (i) the applicable entity shall secure
2 all permits required under State or local
3 laws; and

4 (ii) all water delivered into, or taken
5 out of, a Klamath Project facility pursuant
6 to that subparagraph shall be measured.

7 (C) EFFECT.—A use of non-Klamath
8 Project water under this paragraph shall not—

9 (i) adversely affect the delivery of
10 water to any water user or land served by
11 the Klamath Project; or

12 (ii) result in any additional cost to the
13 United States.

14 (3) REPLACEMENT OF C CANAL FLUME.—The
15 replacement of the C Canal flume within the Klam-
16 ath Project shall be considered to be, and shall re-
17 ceive the treatment authorized for, emergency ex-
18 traordinary operation and maintenance work in ac-
19 cordance with Federal reclamation law (the Act of
20 June 17, 1902 (32 Stat. 388, chapter 1093), and
21 Acts supplemental to and amendatory of that Act
22 (43 U.S.C. 371 et seq.)).

23 (c) ADMINISTRATION.—

1 (1) COMPLIANCE.—In implementing this sec-
2 tion and the amendments made by this section, the
3 Secretary of the Interior shall comply with—

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

6 (B) the Endangered Species Act of 1973
7 (16 U.S.C. 1531 et seq.); and

8 (C) all other applicable laws.

9 (2) EFFECT.—Nothing in this section—

10 (A) modifies the authorities or obligations
11 of the United States with respect to the tribal
12 trust and treaty obligations of the United
13 States; or

14 (B) creates or determines water rights or
15 affects water rights or water right claims in ex-
16 istence on the date of enactment of this Act.

17 **PART IV—RESERVOIR OPERATION**

18 **IMPROVEMENT**

19 **SEC. 6331. RESERVOIR OPERATION IMPROVEMENT.**

20 (a) DEFINITIONS.—In this section:

21 (1) RESERVED WORKS.—The term “reserved
22 works” means any Bureau of Reclamation project
23 facility at which the Secretary of the Interior carries
24 out the operation and maintenance of the project fa-
25 cility.

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

3 (3) TRANSFERRED WORKS.—The term “trans-
4 ferred works” means a Bureau of Reclamation
5 project facility, the operation and maintenance of
6 which is carried out by a non-Federal entity, under
7 the provisions of a formal operation and mainte-
8 nance transfer contract.

9 (4) TRANSFERRED WORKS OPERATING ENTI-
10 TY.—The term “transferred works operating entity”
11 means the organization that is contractually respon-
12 sible for operation and maintenance of transferred
13 works.

14 (b) REPORT.—Not later than 360 days after the date
15 of enactment of this Act, the Secretary shall submit to
16 the Committees on Appropriations of the Senate and the
17 House of Representatives, the Committee on Environment
18 and Public Works of the Senate, and the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives a report including, for any State in which a
21 county designated by the Secretary of Agriculture as a
22 drought disaster area during water year 2015 is located,
23 a list of projects, including Corps of Engineers projects,
24 and those non-Federal projects and transferred works that
25 are operated for flood control in accordance with rules pre-

1 scribed by the Secretary pursuant to section 7 of the Act
2 of December 22, 1944 (commonly known as the “Flood
3 Control Act of 1944”) (58 Stat. 890, chapter 665), includ-
4 ing, as applicable—

5 (1) the year the original water control manual
6 was approved;

7 (2) the year for any subsequent revisions to the
8 water control plan and manual of the project;

9 (3) a list of projects for which—

10 (A) operational deviations for drought con-
11 tingency have been requested;

12 (B) the status of the request; and

13 (C) a description of how water conserva-
14 tion and water quality improvements were ad-
15 dressed; and

16 (4) a list of projects for which permanent or
17 seasonal changes to storage allocations have been re-
18 quested, and the status of the request.

19 (c) PROJECT IDENTIFICATION.—Not later than 60
20 days after the date of completion of the report under sub-
21 section (b), the Secretary shall identify any projects de-
22 scribed in the report—

23 (1) for which the modification of the water op-
24 erations manuals, including flood control rule curve,
25 would be likely to enhance existing authorized

1 project purposes, including for water supply benefits
2 and flood control operations;

3 (2) for which the water control manual and
4 hydrometeorological information establishing the
5 flood control rule curves of the project have not been
6 substantially revised during the 15-year period end-
7 ing on the date of review by the Secretary; and

8 (3) for which the non-Federal sponsor or spon-
9 sors of a Corps of Engineers project, the owner of
10 a non-Federal project, or the non-Federal trans-
11 ferred works operating entity, as applicable, has sub-
12 mitted to the Secretary a written request to revise
13 water operations manuals, including flood control
14 rule curves, based on the use of improved weather
15 forecasting or run-off forecasting methods, new wa-
16 tershed data, changes to project operations, or struc-
17 tural improvements.

18 (d) PILOT PROJECTS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of identification of projects under sub-
21 section (c), if any, the Secretary shall carry out not
22 fewer than 15 pilot projects, which shall include not
23 less than 6 non-Federal projects, to implement revi-
24 sions of water operations manuals, including flood

1 control rule curves, based on the best available
2 science, which may include—

- 3 (A) forecast-informed operations;
- 4 (B) new watershed data; and
- 5 (C) if applicable, in the case of non-Fed-
6 eral projects, structural improvements.

7 (2) CONSULTATION.—In implementing a pilot
8 project under this subsection, the Secretary shall
9 consult with all affected interests, including—

- 10 (A) non-Federal entities responsible for op-
11 erations and maintenance costs of a Federal fa-
12 cility;
- 13 (B) individuals and entities with storage
14 entitlements; and
- 15 (C) local agencies with flood control re-
16 sponsibilities downstream of a facility.

17 (e) COORDINATION WITH NON-FEDERAL PROJECT
18 ENTITIES.—If a project identified under subsection (c)
19 is—

20 (1) a non-Federal project, the Secretary, prior
21 to carrying out an activity under this section,
22 shall—

- 23 (A) consult with the non-Federal project
24 owner; and

1 (B) enter into a cooperative agreement,
2 memorandum of understanding, or other agree-
3 ment with the non-Federal project owner de-
4 scribing the scope and goals of the activity and
5 the coordination among the parties; and

6 (2) a Federal project, the Secretary, prior to
7 carrying out an activity under this section, shall—

8 (A) consult with each Federal and non-
9 Federal entity (including a municipal water dis-
10 trict, irrigation district, joint powers authority,
11 transferred works operating entity, or other
12 local governmental entity) that currently—

13 (i) manages (in whole or in part) a
14 Federal dam or reservoir; or

15 (ii) is responsible for operations and
16 maintenance costs; and

17 (B) enter into a cooperative agreement,
18 memorandum of understanding, or other agree-
19 ment with each such entity describing the scope
20 and goals of the activity and the coordination
21 among the parties.

22 (f) CONSIDERATION.—In designing and imple-
23 menting a forecast-informed reservoir operations plan
24 under subsection (d) or (g), the Secretary may consult
25 with the appropriate agencies within the Department of

1 the Interior and the Department of Commerce with exper-
2 tise in atmospheric, meteorological, and hydrologic science
3 to consider—

4 (1) the relationship between ocean and atmos-
5 pheric conditions, including—

6 (A) the El Niño and La Niña cycles; and

7 (B) the potential for above-normal, normal,
8 and below-normal rainfall for the coming water
9 year, including consideration of atmospheric
10 river forecasts;

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

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

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

24 (5) proactive management in response to
25 changes in forecasts.

1 (g) FUNDING.—The Secretary may accept and ex-
2 pend amounts from non-Federal entities and other Fed-
3 eral agencies to fund all or a portion of the cost of car-
4 rying out a review or revision of operational documents,
5 including water control plans, water control manuals,
6 water control diagrams, release schedules, rule curves,
7 operational agreements with non-Federal entities, and any
8 associated environmental documentation for—

9 (1) a Corps of Engineers project;

10 (2) a non-Federal project regulated for flood
11 control by the Secretary; or

12 (3) a Bureau of Reclamation transferred works
13 regulated for flood control by the Secretary.

14 (h) EFFECT.—

15 (1) MANUAL REVISIONS.—A revision of a man-
16 ual shall not interfere with the authorized purposes
17 of a Federal project or the existing purposes of a
18 non-Federal project regulated for flood control by
19 the Secretary.

20 (2) EFFECT OF SECTION.—

21 (A) Nothing in this section authorizes the
22 Secretary to carry out, at a Federal dam or res-
23 ervoir, any project or activity for a purpose not
24 otherwise authorized as of the date of enact-
25 ment of this Act.

1 (B) Nothing in this section affects or
2 modifies any obligation of the Secretary under
3 State law.

4 (C) Nothing in this section affects or modi-
5 fies any obligation to comply with any applica-
6 ble Federal law.

7 (3) BUREAU OF RECLAMATION RESERVED
8 WORKS EXCLUDED.—This section—

9 (A) shall not apply to any dam or reservoir
10 operated by the Bureau of Reclamation as a re-
11 served work, unless all non-Federal project
12 sponsors of a reserved work jointly provide to
13 the Secretary a written request for application
14 of this section to the project; and

15 (B) shall apply only to Bureau of Reclama-
16 tion transferred works at the written request of
17 the transferred works operating entity.

18 (4) PRIOR STUDIES.—The Secretary shall—

19 (A) to the maximum extent practicable, co-
20 ordinate the efforts of the Secretary in carrying
21 out subsections (b), (c), and (d) with the efforts
22 of the Secretary in completing—

23 (i) the report required under section
24 1046(a)(2)(A) of the Water Resources Re-
25 form and Development Act of 2014 (33

1 U.S.C. 2319 note; Public Law 113–121);

2 and

3 (ii) the updated report required under

4 subsection (a)(2)(B) of that section; and

5 (B) if the reports are available before the

6 date on which the Secretary carries out the ac-

7 tions described in subsections (b), (c), and (d),

8 consider the findings of the reports described in

9 clauses (i) and (ii) of subparagraph (A).

10 (i) MODIFICATIONS TO MANUALS AND CURVES.—Not

11 later than 180 days after the date of completion of a modi-

12 fication to an operations manual or flood control rule

13 curve, the Secretary shall submit to the Committee on En-

14 vironment and Public Works of the Senate and the Com-

15 mittee on Transportation and Infrastructure of the House

16 of Representatives a report regarding the components of

17 the forecast-based reservoir operations plan incorporated

18 into the change.

19 **PART V—HYDROELECTRIC PROJECTS**

20 **SEC. 6341. TERROR LAKE HYDROELECTRIC PROJECT**

21 **UPPER HIDDEN BASIN DIVERSION AUTHOR-**

22 **IZATION.**

23 (a) DEFINITIONS.—In this section:

24 (1) TERROR LAKE HYDROELECTRIC

25 PROJECT.—The term “Terror Lake Hydroelectric

1 Project” means the project identified in section 1325
2 of the Alaska National Interest Lands Conservation
3 Act (16 U.S.C. 3212), and which is Federal Energy
4 Regulatory Commission project number 2743.

5 (2) UPPER HIDDEN BASIN DIVERSION EXPAN-
6 SION.—The term “Upper Hidden Basin Diversion
7 Expansion” means the expansion of the Terror Lake
8 Hydroelectric Project as generally described in Ex-
9 hibit E to the Upper Hidden Basin Grant Applica-
10 tion dated July 2, 2014 and submitted to the Alaska
11 Energy Authority Renewable Energy Fund Round
12 VIII by Kodiak Electric Association, Inc.

13 (b) AUTHORIZATION.—The licensee for the Terror
14 Lake Hydroelectric Project may occupy not more than 20
15 acres of Federal land to construct, operate, and maintain
16 the Upper Hidden Basin Diversion Expansion without fur-
17 ther authorization of the Secretary of the Interior or
18 under the Alaska National Interest Lands Conservation
19 Act (16 U.S.C. 3101 et seq.).

20 (c) SAVINGS CLAUSE.—The Upper Hidden Basin Di-
21 version Expansion shall be subject to appropriate terms
22 and conditions included in an amendment to a license
23 issued by the Federal Energy Regulatory Commission pur-
24 suant to the Federal Power Act (16 U.S.C. 791a et seq.),
25 including section 4(e) of that Act (16 U.S.C. 797(e)), fol-

1 lowing an environmental review by the Commission under
2 the National Environmental Policy Act of 1969 (42 U.S.C.
3 4321 et seq.).

4 **SEC. 6342. STAY AND REINSTATEMENT OF FERC LICENSE**
5 **NO. 11393 FOR THE MAHONEY LAKE HYDRO-**
6 **ELECTRIC PROJECT.**

7 (a) DEFINITIONS.—In this section:

8 (1) COMMISSION.—The term “Commission”
9 means the Federal Energy Regulatory Commission.

10 (2) LICENSE.—The term “license” means the
11 license for Commission project number 11393.

12 (3) LICENSEE.—The term “licensee” means the
13 holder of the license.

14 (b) STAY OF LICENSE.—On the request of the li-
15 censee, the Commission shall issue an order continuing the
16 stay of the license.

17 (c) LIFTING OF STAY.—On the request of the li-
18 censee, but not later than 10 years after the date of enact-
19 ment of this Act, the Commission shall—

20 (1) issue an order lifting the stay of the license
21 under subsection (b); and

22 (2) make the effective date of the license the
23 date on which the stay is lifted under paragraph (1).

24 (d) EXTENSION OF LICENSE.—On the request of the
25 licensee and notwithstanding the time period specified in

1 section 13 of the Federal Power Act (16 U.S.C. 806) for
2 commencement of construction of the project subject to
3 the license, the Commission shall, after reasonable notice
4 and in accordance with the good faith, due diligence, and
5 public interest requirements of that section, extend the
6 time period during which the licensee is required to com-
7 mence the construction of the project for not more than
8 3 consecutive 2-year periods, notwithstanding any other
9 provision of law.

10 (e) EFFECT.—Nothing in this section prioritizes, or
11 creates any advantage or disadvantage to, Commission
12 project number 11393 under Federal law, including the
13 Federal Power Act (16 U.S.C. 791a et seq.) or the Public
14 Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601
15 et seq.), as compared to—

16 (1) any electric generating facility in existence
17 on the date of enactment of this Act; or

18 (2) any electric generating facility that may be
19 examined, proposed, or developed during the period
20 of any stay or extension of the license under this
21 section.

22 **SEC. 6343. EXTENSION OF DEADLINE FOR HYDROELECTRIC**
23 **PROJECT.**

24 (a) IN GENERAL.—Notwithstanding the time period
25 specified in section 13 of the Federal Power Act (16

1 U.S.C. 806) that would otherwise apply to the Federal En-
2 ergy Regulatory Commission (referred to in this section
3 as the “Commission”) project numbered 12642, the Com-
4 mission may, at the request of the licensee for the project,
5 and after reasonable notice, in accordance with the good
6 faith, due diligence, and public interest requirements of
7 that section and the procedures of the Commission under
8 that section, extend the time period during which the li-
9 censee is required to commence the construction of the
10 project for up to 3 consecutive 2-year periods from the
11 date of the expiration of the extension originally issued
12 by the Commission.

13 (b) REINSTATEMENT OF EXPIRED LICENSE.—If the
14 period required for commencement of construction of the
15 project described in subsection (a) has expired prior to the
16 date of enactment of this Act—

17 (1) the Commission shall reinstate the license
18 effective as of the date of the expiration of the li-
19 cense; and

20 (2) the first extension authorized under sub-
21 section (a) shall take effect on that expiration date.

22 **SEC. 6344. EXTENSION OF DEADLINE FOR CERTAIN OTHER**
23 **HYDROELECTRIC PROJECTS.**

24 (a) IN GENERAL.—Notwithstanding the time period
25 specified in section 13 of the Federal Power Act (16

1 U.S.C. 806) that would otherwise apply to the Federal En-
2 ergy Regulatory Commission (referred to in this section
3 as the “Commission”) projects numbered 12737 and
4 12740, the Commission may, at the request of the licensee
5 for the applicable project, and after reasonable notice, in
6 accordance with the good faith, due diligence, and public
7 interest requirements of that section and the procedures
8 of the Commission under that section, extend the time pe-
9 riod during which the licensee is required to commence
10 the construction of the applicable project for up to 3 con-
11 secutive 2-year periods from the date of the expiration of
12 the extension originally issued by the Commission.

13 (b) REINSTATEMENT OF EXPIRED LICENSE.—If the
14 period required for commencement of construction of a
15 project described in subsection (a) has expired prior to the
16 date of enactment of this Act—

17 (1) the Commission may reinstate the license
18 for the applicable project effective as of the date of
19 the expiration of the license; and

20 (2) the first extension authorized under sub-
21 section (a) shall take effect on that expiration.

22 **SEC. 6345. EQUUS BEDS DIVISION EXTENSION.**

23 Section 10(h) of Public Law 86–787 (74 Stat. 1026;
24 120 Stat. 1474) is amended by striking “10 years” and
25 inserting “20 years”.

1 **SEC. 6346. EXTENSION OF TIME FOR A FEDERAL ENERGY**
2 **REGULATORY COMMISSION PROJECT IN-**
3 **VOLVING CANNONSVILLE DAM.**

4 (a) IN GENERAL.—Notwithstanding the time period
5 specified in section 13 of the Federal Power Act (16
6 U.S.C. 806) that would otherwise apply to the Federal En-
7 ergy Regulatory Commission project numbered 13287, the
8 Federal Energy Regulatory Commission (referred to in
9 this section as the “Commission”) may, at the request of
10 the licensee for the project, and after reasonable notice,
11 in accordance with the good faith, due diligence, and pub-
12 lic interest requirements of that section and the proce-
13 dures of the Commission under that section, extend the
14 time period during which the licensee is required to com-
15 mence construction of the project for up to 4 consecutive
16 2-year periods after the required date of the commence-
17 ment of construction described in Article 301 of the li-
18 cense.

19 (b) REINSTATEMENT OF EXPIRED LICENSE.—

20 (1) IN GENERAL.—If the required date of the
21 commencement of construction described in sub-
22 section (a) has expired prior to the date of enact-
23 ment of this Act, the Commission may reinstate the
24 license effective as of that date of expiration.

25 (2) EXTENSION.—If the Commission reinstates
26 the license under paragraph (1), the first extension

1 authorized under subsection (a) shall take effect on
2 the date of that expiration.

3 **PART VI—PUMPED STORAGE HYDROPOWER**

4 **COMPENSATION**

5 **SEC. 6351. PUMPED STORAGE HYDROPOWER COMPENSA-**
6 **TION.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Federal Energy Regulatory Commission
9 shall initiate a proceeding to identify and determine the
10 market, procurement, and cost recovery mechanisms that
11 would—

12 (1) encourage development of pumped storage
13 hydropower assets; and

14 (2) properly compensate those assets for the
15 full range of services provided to the power grid, in-
16 cluding—

17 (A) balancing electricity supply and de-
18 mand;

19 (B) ensuring grid reliability; and

20 (C) cost-effectively integrating intermittent
21 power sources into the grid.