

[DISCUSSION DRAFT]

113TH CONGRESS
2^D SESSION

H. R. 11

To provide drought assistance to the State of California and other affected western States.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUFFMAN introduced the following bill; which was referred to the Committee on ■■■■■■■■■■■■■■■■■■■■■■

A BILL

To provide drought assistance to the State of California and other affected western States.

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

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) As established in the Proclamation of a
6 State of Emergency issued by the Governor of the
7 State of California on January 17, 2014, California
8 is experiencing record dry conditions. Extremely dry
9 conditions have persisted since 2012, 2014 is pro-

1 jected to become the driest year on record, and such
2 dry conditions are likely to persist beyond this year
3 and more regularly into the future.

4 (2) The water supplies of the State of Cali-
5 fornia are at record-low levels, as indicated by a
6 statewide average snowpack of 12 percent of the
7 normal average for winter as of February 1, 2014.

8 (3) The 2014 drought constitutes a serious
9 emergency posing immediate and severe risks to
10 human life and safety and to the environment
11 throughout northern, central, and southern Cali-
12 fornia.

13 (4) Federal law and implementing regulations
14 directly authorize expedited decisionmaking proce-
15 dures and environmental and public review proce-
16 dures to enable timely and appropriate implementa-
17 tion of actions to respond to this type and severity
18 of emergency.

19 (5) The emergency requires an immediate and
20 credible response that respects State, local, and trib-
21 al law. That the policies that respond to the drought
22 should not pit region against region, or stakeholders
23 against one another.

24 (6) It is the policy of the United States to re-
25 spect California's coequal goals, established by the

1 Delta Reform Act of 2009, of providing a more reli-
2 able water supply for California and protecting, re-
3 storing, and enhancing the Delta ecosystem. These
4 coequal goals shall be achieved in a manner that
5 protects and enhances the unique cultural, rec-
6 reational, natural resource, and agricultural values
7 of the Delta as an evolving place.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

10 (1) **CENTRAL VALLEY PROJECT.**—The term
11 “Central Valley Project” has the meaning given the
12 term in section 3403 of the Central Valley Project
13 Improvement Act (106 Stat. 4707).

14 (2) **KLAMATH PROJECT.**—The term “Klamath
15 Project” means the Bureau of Reclamation project
16 in the States of California and Oregon—

17 (A) as authorized under the Act of June
18 17, 1902 (32 Stat. 388, chapter 1093); and

19 (B) as described in—

20 (i) title II of the Oregon Resource
21 Conservation Act of 1996 (Public Law
22 104–208; 110 Stat. 3009–532); and

23 (ii) the Klamath Basin Water Supply
24 Enhancement Act of 2000 (Public Law
25 106–498; 114 Stat. 2221).

1 (3) RECLAMATION PROJECT.—The term “Rec-
2 lamation Project” means a project constructed pur-
3 suant to the authorities of the reclamation laws and
4 whose facilities are wholly or partially located in the
5 State.

6 (4) SECRETARIES.—The term “Secretaries”
7 means—

8 (A) the Administrator of the Environ-
9 mental Protection Agency;

10 (B) the Secretary of Commerce; and

11 (C) the Secretary of the Interior.

12 (5) STATE.—The term “State” means the State
13 of California, and any other State where the Gov-
14 ernor declares a State of drought emergency in cal-
15 endar year 2014.

16 (6) STATE WATER PROJECT.—The term “State
17 Water Project” means the water project described
18 by California Water Code section 11550 et seq., and
19 operated by the California Department of Water Re-
20 sources.

21 **SEC. 3. EMERGENCY PROJECTS.**

22 (a) IN GENERAL.—In response to the declaration of
23 a state of drought emergency by the Governor of the
24 State, the Secretaries shall provide the maximum quantity
25 of water supplies possible to Central Valley Project and

1 Klamath Project agricultural, municipal and industrial,
2 and refuge service and repayment contractors, State
3 Water Project contractors, and any other locality or mu-
4 nicipality in the State consistent with existing law, includ-
5 ing among other things applicable laws and regulations,
6 water quality standards, biological opinions, and court or-
7 ders.

8 (b) MANDATE.—In carrying out subsection (a), the
9 applicable agency heads described in that subsection shall,
10 consistent with existing law, including among other things
11 applicable laws and regulations, water quality standards,
12 biological opinions, and court orders—

13 (1) authorize and implement actions to provide
14 for real time operations of the Delta Cross Channel
15 Gates, with operations determined by the California
16 State Water Resources Control Board, National Ma-
17 rine Fisheries Service, and California Department of
18 Fish and Wildlife to provide water supply, water
19 quality, and ecosystem benefits for the duration of
20 the State’s drought emergency declaration;

21 (2) collect data associated with the operation of
22 the Delta Cross Channel Gates described in para-
23 graph (1) and its impact on species listed as threat-
24 ened or endangered under the Endangered Species

1 Act of 1973 (16 U.S.C. 1531 et seq.), water quality,
2 and water supply;

3 (3) implement turbidity monitoring and control
4 strategies that may allow for increased water deliv-
5 eries while avoiding potential jeopardy to adult delta
6 smelt (*Hypomesus transpacificus*) due to entrain-
7 ment at Central Valley Project and State Water
8 Project pumping plants;

9 (4) implement the San Joaquin River inflow to
10 export ratio called for in the biological opinion
11 issued by the National Marine Fisheries Service on
12 June 4, 2009, including the drought provisions of
13 that biological opinion. If inflows from the San Joa-
14 quin River as measured at Vernalis fall below the
15 level that would permit exports to meet public health
16 and safety needs, exports may exceed the ratio, con-
17 sistent with the biological opinion;

18 (5) allow North of Delta water service contrac-
19 tors with unused 2013 Central Valley Project con-
20 tract supplies to take delivery of those unused sup-
21 plies through April 15, 2014, if—

22 (A) the contractor requests the extension;
23 and

24 (B) the requesting contractor certifies
25 that, without the extension, the contractor

1 would have insufficient supplies to adequately
2 meet water delivery obligations;

3 (6) maintain all rescheduled water supplies held
4 in the San Luis Reservoir and Millerton Reservoir
5 for all water users for delivery in the immediately
6 following contract water year unless precluded by
7 reservoir storage capacity limitations;

8 (7) to the maximum extent possible based on
9 the availability of water and without causing land
10 subsidence—

11 (A) meet the contract water supply needs
12 of Central Valley Project refuges through the
13 improvement or installation of wells to use
14 ground water resources of suitable water qual-
15 ity, which activities may be accomplished by
16 using funding made available under section 4 of
17 this Act or the Water Assistance Program of
18 the WaterSMART program of the Department
19 of the Interior;

20 (B) make a quantity of Central Valley
21 Project surface water obtained from the meas-
22 ures implemented under subparagraph (A)
23 available to Central Valley Project contractors;
24 and

1 (C) to assist in meeting incremental Level
2 4 needs of CVP refugees, purchase water from
3 willing sellers using funding made available
4 under section 4 of this Act or the Water Assist-
5 ance Program or the WaterSMART program of
6 the Department of the Interior;

7 (8) make WaterSMART grant funding adminis-
8 tered by the Bureau of Reclamation available for eli-
9 gible projects within the State on a priority and ex-
10 pedited basis—

11 (A) to provide emergency drinking and
12 municipal water supplies to localities in a quan-
13 tity necessary to meet public health and safety
14 needs;

15 (B) to reduce water demand on irrigated
16 lands;

17 (C) to minimize economic losses resulting
18 from drought conditions; and

19 (D) to provide innovative water conserva-
20 tion tools and technology for agriculture and
21 urban water use that can have immediate water
22 supply benefits;

23 (9) require the Commissioner of Reclamation,
24 in conjunction with the chief of the Natural Re-
25 sources Conservation Service, to identify projects in

1 the State that do not need Federal or State permit-
2 ting which can maximize water use efficiencies,
3 prioritized by the cost effectiveness of the efficiencies
4 gained, to inform the funding provided under sub-
5 section(3)(b)(10);

6 (10) for reserve works only, authorize any an-
7 nual operation and maintenance deficits owed to the
8 Federal Government and incurred due to delivery of
9 contract water supplies to a Central Valley Project
10 or Klamath Project agricultural or municipal water
11 service contractor during each fiscal year the State
12 emergency drought declaration is in force, to be re-
13 paid to the Federal Government over a period of not
14 less than 3 years at the project interest rate, not-
15 withstanding section 106 of Public Law 99-546
16 (100 Stat. 3052);

17 (11) issue proposed rules to update stormwater
18 regulations for urban (municipal) and suburban run-
19 off sources, including strong green infrastructure-
20 based requirements for retention of stormwater run-
21 off;

22 (12) approve petitions requesting the EPA to
23 use its residual designation authority to require com-
24 mercial, industrial, and institutional land uses to

1 control runoff that contributes pollution to rivers, lakes,
2 and beaches;

3 (13) issue guidance on use of rainwater capture,
4 including technical guidance on treatment needs
5 and options for different end uses, to better promote use
6 of rainwater capture and on-site reuse; and

7 (14) implement authorized proposals to upgrade or
8 replace hydropower turbines that improve cold water fish
9 habitat at Central Valley Project facilities.

10 (c) OTHER AGENCIES.—To the extent that they have
11 any role in approving projects to increase water supply
12 projects under subsections (a) and (b), the provisions of
13 this section shall apply to all other Federal agencies.

14 (d) ACCELERATED PROJECT DECISION AND ELE-
15 VATION.—

16 (1) IN GENERAL.—Upon the request of the State,
17 the heads of Federal agencies shall use the expedited
18 procedures under this subsection to make final decisions
19 relating to a Federal project to provide additional water
20 supplies pursuant to subsections (a) and (b),
21 consistent with existing law, including among other things
22 applicable laws and regulations, water quality standards,
23 biological opinions, court orders, and section 7 of this Act.

24 (2) REQUEST FOR RESOLUTION.—Upon the re-
25 quest of the State, the head of an agency referred
26 to in subsection (a) or the head of another Federal
27 agency responsible for carrying out a review of a

1 project, as applicable, the Secretary of the Interior
2 shall convene a final project decision meeting with
3 the heads of all relevant Federal agencies to decide
4 whether to approve a project to provide emergency
5 water supplies.

6 (3) DECISION.—

7 (A) The Secretary of the Interior shall
8 hold a meeting requested under this subsection
9 within 7 days of receiving the meeting request;
10 and

11 (B) The head of the relevant Federal agen-
12 cy shall issue a final decision on the project
13 within 10 days of the meeting request.

14 (4) NOTIFICATION.—Upon receipt of a request
15 for a meeting under this subsection, the Secretary of
16 the Interior shall notify the heads of all relevant
17 Federal agencies of the request, including the
18 project to be reviewed and the date for the meeting.

19 (5) CONVENTION BY SECRETARY.—The Sec-
20 retary may convene a final project decision meeting
21 under this subsection at any time, at the discretion
22 of the Secretary, regardless of whether a meeting is
23 requested under paragraph (2).

24 (e) TERMINATION OF AUTHORITY.—The authority
25 under this section expires on the date on which the Gov-

1 ernor of the State suspends the state of drought emer-
2 gency declaration or the end of 2016, whichever is earlier.

3 **SEC. 4. EMERGENCY APPROPRIATIONS.**

4 (a) APPROPRIATION.—There is hereby appropriated
5 for fiscal year 2014, out of any money in the Treasury
6 not otherwise appropriated, a total amount of
7 \$255,000,000, to remain available until the end of the pe-
8 riod during which the State’s emergency drought designa-
9 tion is in effect, to be allocated among the following pur-
10 poses:

11 (1) For “Department of the Interior—Bureau
12 of Reclamation—Water and Related Resources” for
13 eligible projects within the State, on a priority and
14 expedited basis, that—

15 (A) Create drought-tolerant water supplies
16 by implementing water reclamation and reuse
17 projects authorized under title XVI of Public
18 Law 102–575; and

19 (B) Optimize and conserve water supplies
20 through the WaterSMART program, includ-
21 ing—

22 (i) by replacing water consuming
23 products or functions with waterless de-
24 vices or technologies that perform the same
25 function; and

1 (ii) by installing districtwide or on-
2 farm water efficiency and conservation
3 technologies, including behavioral water ef-
4 ficiency, system modernizations including
5 leak repair and SCADA systems, and other
6 technologies that have been proven to pro-
7 vide improvements in water use efficiency
8 through the verification of a third party;
9 and

10 (iii) water efficiency projects for man-
11 aged wetlands to improve water conveyance
12 infrastructure, level ponds to reduce the
13 amount of water required to flood them, or
14 install water recirculation systems.

15 (2) For assistance under the Reclamation
16 States Emergency Drought Relief Act of 1991 (43
17 U.S.C. 2201 et seq.) and any other applica-
18 ble Federal law (including regulations) for the optimization
19 and conservation of water supplies to assist drought-
20 plagued areas of the West. Such assistance may in-
21 clude—

22 (A) the installation of ground water wells
23 as requested by the managers of wildlife ref-
24 uges;

1 (B) the purchase or assistance in the pur-
2 chase of water from willing sellers;

3 (C) conservation projects providing water
4 supply benefits in the short term and reducing
5 demand in the long term;

6 (D) exchanges with any water districts
7 willing to provide water to meet other districts'
8 emergency water needs in return for the future
9 delivery of equivalent amounts of water in the
10 same year or in future years;

11 (E) maintenance of cover crops to prevent
12 public health impacts from severe dust storms;

13 (F) emergency pumping projects for crit-
14 ical health and safety purposes;

15 (G) the use of new or innovative water on-
16 farm conservation technologies or methods that
17 may assist in sustaining permanent crops in
18 areas with severe water shortages;

19 (H) technical assistance to improve exist-
20 ing irrigation practices to provide water supply
21 benefits; and

22 (I) activities to mitigate the impacts of the
23 drought and this Act on threatened and endan-
24 gered fish and wildlife.

1 (3) For “Department of Agriculture—Rural
2 Utilities Service—Rural Water and Waste Disposal
3 Program Account”, not less than \$5,000,000 for the
4 cost of direct and guaranteed loans and grants for
5 the rural water, wastewater, and waste disposal pro-
6 grams authorized by sections 306 and 310B or de-
7 scribed in section 381E(d)(2) of the Consolidated
8 Farm and Rural Development Act within the State.

9 (4) For “Environmental Protection Agency—
10 State and Tribal Assistance Grants”—

11 (A) not less than \$30,000,000 for capital-
12 ization grants for the Clean Water State Re-
13 volving Funds under title VI of the Federal
14 Water Pollution Control Act (33 U.S.C. 1381 et
15 seq.) within the State; and

16 (B) not less than \$15,000,000 for capital-
17 ization grants for the Drinking Water State Re-
18 volving Funds under section 1452 of the Safe
19 Drinking Water Act (42 U.S.C. 300j-12) with-
20 in the State.

21 (5) For “Department of Justice—Drug En-
22 forcement Administration”, not less than
23 \$3,000,000 for the Domestic Cannabis Eradication
24 and Suppression Program to assist State or local
25 law enforcement agencies in the suppression of can-

1 nabis operations that are conducted on public lands
2 or that intentionally trespass on the property of an-
3 other that also divert, redirect, obstruct, drain, or
4 impound water supply.

5 (6) For “Land and Water Conservation Fund”,
6 not less than \$50,000,000 shall be provided to the
7 Department of the Interior and U.S. Forest Service
8 for the implementation of projects under the Land
9 and Water Conservation Fund Act of 1965 in
10 drought-affected States that reduce fire risk, im-
11 prove water quality or downstream water quantity,
12 or expand ground water recharge capacity.

13 (b) EMERGENCY DESIGNATION.—The amount under
14 this section is designated by Congress as being for emer-
15 gency requirements pursuant to section 251(b)(2)(A)(i) of
16 the Balanced Budget and Emergency Deficit Control Act
17 of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

18 **SEC. 5. DROUGHT PLANNING ASSISTANCE.**

19 (a) IN GENERAL.—The Secretary of Agriculture, act-
20 ing through the Natural Resources Conservation Service,
21 shall provide water supply planning assistance in prepara-
22 tion for and in response to dry, critically dry, and below
23 normal water year types to any water agency in the State
24 who has requested it.

1 (b) TYPES OF ASSISTANCE.—Assistance under sub-
2 section (a) shall include—

3 (1) hydrological forecasting;

4 (2) assessment of water supply sources under
5 different water year classification types;

6 (3) identification of alternative water supply
7 sources;

8 (4) guidance on potential water transfer part-
9 ners;

10 (5) technical assistance regarding Federal and
11 State permits and contracts under the Act of Feb-
12 ruary 21, 1911 (36 Stat. 925, chapter 141) (com-
13 monly known as the “Warren Act”);

14 (6) installation of districtwide or on-farm water
15 efficiency and conservation technologies, including
16 behavioral water efficiency, system modernizations
17 including leak repair and SCADA systems, and
18 other technologies that have been proven to provide
19 improvements in water use efficiency through the
20 verification of a third party;

21 (7) technical assistance regarding emergency
22 provision of water supplies for critical health and
23 safety purposes; and

24 (8) activities carried out in conjunction with the
25 National Oceanic and Atmospheric Administration,

1 the National Integrated Drought Information Sys-
2 tem, and the State partners of the National Inte-
3 grated Drought Information System under the Na-
4 tional Integrated Drought Information System Act
5 of 2006 (15 U.S.C. 313d)—

6 (A) to collect and integrate key indicators
7 of drought severity and impacts; and

8 (B) to produce and communicate timely
9 monitoring and forecast information to local
10 and regional communities, including the San
11 Joaquin Valley, the Delta, the Central Coast,
12 the Klamath River Basin, and the Trinity River
13 Basin.

14 **SEC. 6. FISHERIES DISASTER DECLARATION.**

15 (a) **IN GENERAL.**—The Secretary of Commerce shall
16 treat the Proclamation of a State Emergency and associ-
17 ated Executive order issued by the Governor of California
18 on January 17, 2014, as a request for the Secretary to
19 determine under sections 312(a) and 315 of the Magnu-
20 son-Stevens Fishery Conservation and Management Act
21 (16 U.S.C. 1861a(a) and 1864) that there is a commercial
22 fisheries failure and catastrophic regional fishery disaster,
23 respectively, for fisheries that originate in the State of
24 California.

1 (b) SENSE OF CONGRESS.—It is the sense of the
2 Congress that if the drought conditions continue as pro-
3 jected and negatively impact the fisheries originating in
4 the State of California, and the communities and indus-
5 tries that depend on them, then the Secretary—

6 (1) should look favorably upon such request;
7 and

8 (2) should immediately propose regulations to
9 provide disaster assistance, funds, and other assist-
10 ance under, and otherwise implement, such sections
11 with respect to such request, to ensure timely relief
12 for impacted parties.

13 **SEC. 7. EMERGENCY ENVIRONMENTAL REVIEWS.**

14 To minimize the time spent carrying out environ-
15 mental reviews and to deliver water quickly that is needed
16 to address emergency drought conditions in the State, if
17 necessary, the head of each applicable Federal agency
18 shall, in carrying out this Act, consult with the Council
19 on Environmental Quality in accordance with section
20 1506.11 of title 40, Code of Federal Regulations (includ-
21 ing successor regulations) to develop alternative arrange-
22 ments to comply with the National Environmental Policy
23 Act of 1969 (42 U.S.C. 4321 et seq.) during the emer-
24 gency.

1 SEC. 8. STATE REVOLVING FUNDS.

2 The Administrator of the Environmental Protection
3 Agency, in allocating amounts for each of the fiscal years
4 during which the State's emergency drought declaration
5 is in force to State water pollution control revolving funds
6 established under title VI of the Federal Water Pollution
7 Control Act (33 U.S.C. 1381 et seq.) and the State drink-
8 ing water treatment revolving loan funds established
9 under section 1452 of the Safe Drinking Water Act (42
10 U.S.C. 300j-12), shall, for those projects that are eligible
11 to receive assistance under section 603 of the Federal
12 Water Pollution Control Act (33 U.S.C. 1383) or section
13 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C.
14 300j-12(a)(2)), respectively, that the State determines
15 will provide additional water supplies most expeditiously
16 to areas that are at risk of having an inadequate supply
17 of water for public health and safety purposes or to im-
18 prove resiliency to drought—

19 (1) require the State to review and prioritize
20 funding for such projects;

21 (2) issue a determination of waivers within 30
22 days of the conclusion of the informal public com-
23 ment period pursuant to section 436(c) of title IV of
24 division G of Public Law 113-76; and

25 (3) authorize, at the request of the State, 40-
26 year financing for assistance under section

1 603(d)(2) of the Federal Water Pollution Control
2 Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of
3 the Safe Drinking Water Act (42 U.S.C. 300j-
4 12(f)(2)).

5 **SEC. 9. FORECASTED.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “Fixing Operations of Reservoirs to Encompass Climatic
8 and Atmospheric Science Trends for Emergency Droughts
9 Act” or the “FORECASTED Act”.

10 (b) **REVIEW OF RESERVOIR OPERATIONS.**—

11 (1) **IN GENERAL.**—Except as specified in sub-
12 section (c), not later than 1 year after a request of
13 a non-Federal sponsor of a reservoir, the Secretary
14 of the Army, in consultation with the Administrator
15 of the National Oceanic and Atmospheric Adminis-
16 tration (NOAA), shall review its operation, including
17 the water control manual and rule curves, using im-
18 proved weather forecasts and run-off forecasting
19 methods, including the Advanced Hydrologic Pre-
20 diction System of the National Weather Service and
21 the Hydrometeorology Testbed program of NOAA.

22 (2) **DESCRIPTION OF BENEFITS.**—In con-
23 ducting the review under subsection (a), the Sec-
24 retary shall determine if a change in operations, in-
25 cluding the use of improved weather forecasts and

1 run-off forecasting methods, will improve one or
2 more of the core functions of the Army Corps of En-
3 gineers, including—

4 (A) reducing risks to human life, public
5 safety, and property;

6 (B) reducing the need for future disaster
7 relief;

8 (C) improving local water storage capa-
9 bility and reliability in coordination with the
10 non-Federal sponsor and other water users;

11 (D) restoring, protecting, or mitigating the
12 impacts of a water resources development
13 project on the environment; or

14 (E) improving fish species habitat or popu-
15 lation within the boundaries and downstream of
16 a water resources project.

17 (3) RESULTS REPORTED.—Not later than 90
18 days after completion of the review under this sec-
19 tion, the Secretary shall submit a report to Congress
20 regarding the results of such review.

21 (4) MANUAL UPDATE.—As expeditiously as
22 practicable and not later than 3 years after submis-
23 sion of the report under subsection (c), and pursu-
24 ant to the procedures required under existing au-
25 thorities, if the Secretary determines from the re-

1 sults of the review that using improved weather and
2 run-off forecasting methods improves one or more
3 core functions of the Army Corps of Engineers at a
4 reservoir, the Secretary shall incorporate such
5 changes in its operation and update the water con-
6 trol manual.

7 (c) EMERGENCY PROJECTS.—

8 (1) IN GENERAL.—Upon the declaration by the
9 Governor of a State declaring a drought emergency,
10 the Secretary of the Army in implementing this Act
11 shall use no more than 90 days in complying with
12 all provisions of this Act, including subsection (b)(1)
13 and subsection (b)(4), and shall make use of the
14 emergency provisions of the Council on Environ-
15 mental Quality guidelines under part 1506.11 of
16 title 40 of the Code of Federal Regulations in com-
17 plying with the National Environmental Policy Act
18 to minimize time spent in environmental reviews to
19 the greatest extent possible in order to deliver water
20 quickly that is necessary to address emergency
21 drought conditions.

22 (2) TERMINATION OF AUTHORITY.—Authority
23 under this subsection shall terminate on the date on
24 which the Governor of the State referred to in sub-

1 section (a) suspends the drought emergency declara-
2 tion.

3 **SEC. 10. COMPLIANCE WITH STATE LAW REGARDING**
4 **GROUND WATER MONITORING AND AGRICUL-**
5 **TURAL WATER MANAGEMENT PLANNING.**

6 (a) **GROUND WATER MONITORING.**—None of the
7 funds made available in this Act to any water program
8 within the State of California may be made available to
9 an entity if such entity is not in compliance with the provi-
10 sions of the State of California’s Statewide Groundwater
11 Elevation Monitoring program authorized by SBX7–6, en-
12 acted in November 2009.

13 (b) **AGRICULTURAL WATER MANAGEMENT PLAN-**
14 **NING.**—None of the funds made available in this Act to
15 any water program within the State of California may be
16 made available to any Central Valley Project irrigation
17 contractor if such entity does not meet agricultural water
18 management planning requirements established by SBX7–
19 7, enacted in November 2009.

20 **SEC. 11. EMERGENCY SUPPLEMENTAL AGRICULTURE DIS-**
21 **ASTER APPROPRIATIONS.**

22 (a) **FUNDING.**—

23 (1) **IN GENERAL.**—Notwithstanding any other
24 provision of law, as soon as practicable after the
25 date of enactment of this Act, out of any funds in

1 the Treasury not otherwise appropriated, the Sec-
2 retary of the Treasury shall transfer to the Sec-
3 retary of Agriculture (referred to in this section as
4 the “Secretary”) for the emergency conservation
5 program established under title IV of the Agricul-
6 tural Credit Act of 1978 (16 U.S.C. 2201 et seq.)
7 and the emergency watershed protection program es-
8 tablished under section 403 of the Agricultural
9 Credit Act of 1978 (16 U.S.C. 2203) \$100,000,000,
10 to remain available until the end of the period dur-
11 ing which the State’s emergency drought designation
12 is in effect, to be divided among each applicable pro-
13 gram as the Secretary determines to be appro-
14 priate—

15 (A) to provide to agricultural producers
16 and other eligible entities affected by the 2014
17 drought assistance upon declaration of a nat-
18 ural disaster under section 321(a) of the Con-
19 solidated Farm and Rural Development Act (7
20 U.S.C. 1961(a)) or for the same purposes for
21 counties that are contiguous to a designated
22 natural disaster area; and

23 (B) to carry out any other activities the
24 Secretary determines necessary as a result of

1 the 2014 drought, such as activities relating to
2 wildfire damage.

3 (2) RECEIPT AND ACCEPTANCE.—The Sec-
4 retary shall be entitled to receive, shall accept, and
5 shall use to carry out this subsection the funds
6 transferred under paragraph (1), without further ap-
7 propriation.

8 (b) EMERGENCY ASSISTANCE PROGRAM FOR LIVE-
9 STOCK, HONEYBEES, AND FARMRAISED FISH.—Notwith-
10 standing any other applicable limitations under law, the
11 Secretary shall use such sums as are necessary of the
12 funds of the Commodity Credit Corporation to carry out
13 the emergency assistance program for livestock, honey-
14 bees, and farm-raised fish under section 531(e) of the
15 Federal Crop Insurance Act (7 U.S.C. 1531(e)) for each
16 fiscal year during the period in which the State's emer-
17 gency drought designation is in effect, to provide assist-
18 ance to agricultural producers for losses due to drought.

19 (c) FEMA PREDISASTER HAZARD MITIGATION
20 GRANTS.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law, as soon as practicable after the
23 date of enactment of this Act, out of any funds in
24 the Treasury not otherwise appropriated, the Sec-
25 retary of the Treasury shall transfer to the Adminis-

1 trator of the Federal Emergency Management Agen-
2 cy \$25,000,000 for fiscal year 2014, to remain avail-
3 able until the end of the period during which the
4 State's emergency drought designation is in effect,
5 for mitigation activities related to drought and wild-
6 fire hazards.

7 (2) RECEIPT AND ACCEPTANCE.—The Adminis-
8 trator of the Federal Emergency Management Agen-
9 cy shall be entitled to receive, shall accept, and shall
10 use to carry out this subsection the funds trans-
11 ferred under paragraph (1), without further appro-
12 priation.

13 (d) EMERGENCY COMMUNITY WATER ASSISTANCE
14 GRANTS.—

15 (1) IN GENERAL.—Notwithstanding any other
16 provision of law—

17 (A) as soon as practicable after the date of
18 enactment of this Act, out of any funds in the
19 Treasury not otherwise appropriated, the Sec-
20 retary of the Treasury shall transfer to the Sec-
21 retary \$25,000,000 for fiscal year 2014, to re-
22 main available until the end of the period dur-
23 ing which the State's emergency drought des-
24 ignation is in effect, to provide emergency com-
25 munity water assistance grants under section

1 306A of the Consolidated Farm and Rural De-
2 velopment Act (7 U.S.C. 1926a) to address im-
3 pacts of drought;

4 (B) the maximum amount of a grant pro-
5 vided under subparagraph (A) for fiscal year
6 2014 shall be \$1,000,000; and

7 (C) for fiscal year 2014, a community
8 whose population is less than 50,000 shall be
9 eligible for a grant under this paragraph.

10 (2) RECEIPT AND ACCEPTANCE.—The Sec-
11 retary shall be entitled to receive, shall accept, and
12 shall use to carry out this subsection the funds
13 transferred under paragraph (1), without further ap-
14 propriation.

15 (e) OFFICE OF THE INSPECTOR GENERAL.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, as soon as practicable after the
18 date of enactment of this Act, out of any funds in
19 the Treasury not otherwise appropriated, the Sec-
20 retary of the Treasury shall transfer to the Inspector
21 General of the Department of Agriculture
22 \$2,000,000 for fiscal year 2014, to remain available
23 until the end of the period during which the State's
24 emergency drought designation is in effect, for over-

1 sight of activities carried out by the Department re-
2 lating to drought.

3 (2) RECEIPT AND ACCEPTANCE.—The Inspector
4 General of the Department of Agriculture shall be
5 entitled to receive, shall accept, and shall use to
6 carry out this subsection the funds transferred
7 under paragraph (1), without further appropriation.

8 (f) EMERGENCY GRANTS TO ASSIST LOW-INCOME
9 MIGRANT AND SEASONAL FARMWORKERS.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, as soon as practicable after the
12 date of enactment of this Act, out of any funds in
13 the Treasury not otherwise appropriated, the Sec-
14 retary of the Treasury shall transfer to the Sec-
15 retary \$25,000,000 for fiscal year 2014, to remain
16 available until the end of the period during which
17 the State's emergency drought designation is in ef-
18 fect, to provide emergency grants to assist low-in-
19 come migrant and seasonal farmworkers under sec-
20 tion 2281 of the Food, Agriculture, Conservation,
21 and Trade Act of 1990 (42 U.S.C. 5177a) to ad-
22 dress impacts of drought upon declaration of a nat-
23 ural disaster under section 321(a) of the Consoli-
24 dated Farm and Rural Development Act (7 U.S.C.

1 1961(a)) or for the same purposes in counties that
2 are contiguous to a designated natural disaster area.

3 (2) RECEIPT AND ACCEPTANCE.—The Sec-
4 retary shall be entitled to receive, shall accept, and
5 shall use to carry out this subsection the funds
6 transferred under paragraph (1), without further ap-
7 propriation.

8 (g) EMERGENCY FOREST RESTORATION PRO-
9 GRAM.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, as soon as practicable after the
12 date of enactment of this Act, out of any funds in
13 the Treasury not otherwise appropriated, the Sec-
14 retary of the Treasury shall transfer to the Sec-
15 retary \$25,000,000 for fiscal year 2014, to remain
16 available until the end of the period during which
17 the State’s emergency drought designation is in ef-
18 fect, for the Emergency Forest Restoration Program
19 under section 407 of the Agricultural Credit Act of
20 1978 (16 U.S.C. 2206) to address impacts of
21 drought or wildfire upon declaration of a natural
22 disaster under section 321(a) of the Consolidated
23 Farm and Rural Development Act (7 U.S.C.
24 1961(a)) or for the same purposes in counties that
25 are contiguous to a designated natural disaster area.

1 (2) RECEIPT AND ACCEPTANCE.—The Sec-
2 retary shall be entitled to receive, shall accept, and
3 shall use to carry out this subsection the funds
4 transferred under paragraph (1), without further ap-
5 propriation.

6 SEC. 12. ILLEGAL WATER DIVERSION FOR MARIJUANA CUL-
7 TIVATION.

8 (a) DETERMINATION.—Not later than 90 days after
9 the date of enactment of this Act, the Director of the Of-
10 fice of National Drug Control Policy, in collaboration with
11 the Secretary of the Interior and the Administrator of the
12 Environmental Protection Agency, shall determine the
13 amount of water diverted for marijuana cultivation in each
14 of the high intensity drug trafficking areas (as designated
15 under section 707 of the Office of National Drug Control
16 Policy Reauthorization Act of 1998 (21 U.S.C. 1706))
17 within the State of California.

18 (b) ENVIRONMENTAL PROTECTION AGENCY RE-
19 QUIREMENT.—Using existing funds, the Administrator of
20 the Environmental Protection Agency shall assign 1 addi-
21 tional member of the Criminal Investigation Division of
22 the Environmental Protection Agency to each of the 3
23 high intensity drug trafficking areas determined under
24 subsection (a) to have the largest amount of water di-

1 verted for marijuana cultivation within the State of Cali-
2 fornia.

3 **SEC. 13. EFFECT ON STATE LAWS.**

4 Nothing in this Act preempts any State law, includ-
5 ing area of origin and other water rights protections.

6 **SEC. 14. EFFECT ON NATIVE WATER AND FISHING RIGHTS.**

7 Nothing in this Act is intended to in any way dimin-
8 ish the water, fishing, or other rights of Indian tribes as
9 confirmed by treaty, Executive order, water rights settle-
10 ment, or other judicial, administrative, or legislative au-
11 thority, or to diminish the obligations of the Secretary of
12 the Interior on behalf of the United States to assert and
13 protect such rights.

14 **SEC. 15. TREATMENT OF DROUGHT UNDER THE ROBERT T.
15 STAFFORD DISASTER RELIEF AND EMER-
16 GENCY ASSISTANCE ACT.**

17 (a) **FINDINGS.**—Congress finds that—

18 (1) the term “major disaster” (as defined in
19 section 102 of the Robert T. Stafford Disaster Relief
20 and Emergency Assistance Act (42 U.S.C. 5122))
21 includes drought, yet no drought in the 30 years
22 preceding the date of enactment of this Act has been
23 declared by the President to be a major disaster in
24 any of the States in accordance with section 401 of
25 that Act (42 U.S.C. 5170);

1 (2) a major drought shall be eligible to be de-
2 clared a major disaster or state of emergency by the
3 President on the request of the Governor of any
4 State;

5 (3) droughts are natural disasters that do
6 occur, and while of a different type of impact, the
7 scale of the impact of a major drought can be equiv-
8 alent to other disasters that have been declared by
9 the President to be a major disaster under the Rob-
10 ert T. Stafford Disaster Relief and Emergency As-
11 sistance Act (42 U.S.C. 5121 et seq.); and

12 (4) droughts have wide-ranging and long-term
13 impacts on ecosystem health, agriculture production,
14 permanent crops, forests, waterways, air quality,
15 public health, wildlife, employment, communities,
16 State and national parks, and other natural re-
17 sources of a State and the people of that State that
18 have significant value.

19 (b) AMENDMENT.—Section 502(a) of the Robert T.
20 Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5192(a)) is amended—

22 (1) in paragraph (7), by striking “and”;

23 (2) in paragraph (8), by striking the period at
24 the end and inserting a semicolon; and

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

1 “(9) provide disaster unemployment assistance
2 in accordance with section 410;

3 “(10) provide emergency nutrition assistance in
4 accordance with section 412; and

5 “(11) provide crisis counseling assistance in ac-
6 cordance with section 416.”.

7 **SEC. 16. KLAMATH BASIN WATER SUPPLY.**

8 The Klamath Basin Water Supply Enhancement Act
9 of 2000 (Public Law 106–498; 114 Stat. 2221) is amend-
10 ed—

11 (1) by redesignating sections 4 through 6 as
12 sections 5 through 7, respectively; and

13 (2) by inserting after section 3 the following:

14 **“SEC. 4. WATER MANAGEMENT AND PLANNING ACTIVITIES.**

15 “The Secretary is authorized to engage in activities,
16 including entering into agreements and contracts or other-
17 wise making financial assistance available, to reduce water
18 consumption or demand, or to restore ecosystems in the
19 Klamath Basin watershed, including tribal fishery re-
20 sources held in trust, consistent with collaborative agree-
21 ments for environmental restoration and settlements of
22 water rights claims.”.

23 **SEC. 17. DROUGHT PREPAREDNESS FOR FISHERIES.**

24 (a) **SALMON DROUGHT PLAN.**—Not later than Janu-
25 ary 1, 2016, the United States Fish and Wildlife Service

1 shall, in consultation with the National Marine Fisheries
2 Service, the Bureau of Reclamation, the Army Corps of
3 Engineers, and the California Department of Fish and
4 Wildlife, prepare a California salmon drought plan. The
5 plan shall investigate options to protect salmon popu-
6 lations originating in the State of California, contribute
7 to the recovery of populations listed under the Endangered
8 Species Act of 1973 (16 U.S.C. 1531 et seq.), and con-
9 tribute to the goals of the Central Valley Project Improve-
10 ment Act (Public Law 102–575). The plan shall focus on
11 actions that can aid salmon populations during the driest
12 years. Strategies investigated shall include—

13 (1) relocating the release location and timing of
14 hatchery fish to avoid predation and temperature
15 impacts;

16 (2) barging of hatchery release fish to improve
17 survival and reduce straying;

18 (3) coordinating with water users, the Bureau
19 of Reclamation, and the California Department of
20 Water Resources regarding voluntary water trans-
21 fers, to determine if water released upstream to
22 meet the needs of downstream or South-of-Delta
23 water users can be managed in a way that provides
24 additional benefits for salmon;

1 (4) hatchery management modifications, such
2 as expanding hatchery production of listed fish dur-
3 ing the driest years, if appropriate; and

4 (5) increasing rescue operations of upstream
5 migrating fish.

6 (b) APPROPRIATION.—There is hereby appropriated
7 for fiscal year 2014, out of any funds in the Treasury not
8 otherwise appropriated, a total amount of \$3,000,000, to
9 remain available until the end of the period during which
10 the State’s emergency drought designation is in effect, for
11 the United States Fish and Wildlife Service for urgent
12 fish, stream, and hatchery activities related to extreme
13 drought conditions, including work with the National Ma-
14 rine Fisheries Service, the Bureau of Reclamation, the
15 Army Corps of Engineers, the California Department of
16 Fish and Wildlife, or a qualified tribal government.

17 (c) QUALIFIED TRIBAL GOVERNMENT DEFINI-
18 TION.—For the purposes of this section, the term “quali-
19 fied tribal government” means any government of an In-
20 dian tribe that the Secretary of the Interior determines—

21 (1) is involved in salmon management and re-
22 covery activities under the Endangered Species Act
23 of 1973 (16 U.S.C. 1531 et seq.); and

1 (2) has the management and organizational ca-
2 pability to maximize the benefits of assistance pro-
3 vided under this section.

4 **SEC. 18. WATER STORAGE–INTEGRATED REGIONAL WATER**
5 **MANAGEMENT, RECLAMATION, AND RECY-**
6 **CLING PROJECTS.**

7 Subtitle F of title IX of the Omnibus Public Land
8 Management Act of 2009 (42 U.S.C. 10361 et seq.) is
9 amended by adding at the end the following:

10 **“SEC. 9511. WATER STORAGE–INTEGRATED REGIONAL**
11 **WATER MANAGEMENT, RECLAMATION, AND**
12 **RECYCLING PROJECTS.**

13 “(a) **IN GENERAL.**—The Secretary is authorized to
14 enter into cost-shared financial assistance agreements
15 with non-Federal entities in Reclamation States and Ha-
16 waii for the planning, design, and construction of perma-
17 nent water storage and conveyance facilities used solely
18 to regulate and maximize water supplies arising from
19 projects deemed eligible for assistance under this Act or
20 authorized under any other provision of law to—

21 “(1) recycle impaired surface water and ground
22 water; or

23 “(2) use integrated and coordinated water man-
24 agement on a watershed or regional scale.

1 “(b) PRIORITY.—In providing financial assistance
2 under this section, the Secretary shall give priority to stor-
3 age and conveyance components that—

4 “(1) ensure the efficient and beneficial use of
5 water or reuse of the recycled water;

6 “(2) consistent with Secretarial Order No. 3297
7 issued by the Secretary of the Interior on February
8 22, 2010, support—

9 “(A) sustainable water management prac-
10 tices; and

11 “(B) the water sustainability objectives of
12 one or more bureaus of the Department of the
13 Interior or other Federal agencies, including the
14 Department of Agriculture, the Department of
15 Commerce, the Department of Energy, and the
16 Environmental Protection Agency;

17 “(3) increase the availability of usable water
18 supplies in a watershed or region to benefit people,
19 the economy, and the environment and include
20 adaptive measures needed to address climate change
21 and future demands;

22 “(4) where practicable, provide flood control or
23 recreation benefits and include the development of
24 incremental hydroelectric power generation;

1 “(5) include partnerships that go beyond polit-
2 ical and institutional jurisdictions to support the ef-
3 ficient use of the limited water resources of a region
4 and the Nation; and

5 “(6) generate environmental benefits, such as
6 benefits to fisheries, wildlife, wildlife habitats, and
7 water quality, water-dependent ecological systems,
8 and water supply benefits to agricultural and urban
9 water users.

10 “(c) FEDERAL COST SHARE.—The Federal share of
11 the cost of a project authorized in subsection (a) shall be
12 the lesser of 50 percent of total costs or \$15,000,000 (ad-
13 justed for inflation) and shall be nonreimbursable.

14 “(d) IN-KIND CONTRIBUTIONS.—The non-Federal
15 share of the cost of a project authorized in subsection (a)
16 may include ‘in-kind’ contributions to the planning, de-
17 sign, and construction of a project.

18 “(e) TITLE; OPERATION AND MAINTENANCE
19 COSTS.—The non-Federal entity entering into such finan-
20 cial assistance agreements shall hold title to any and all
21 facilities constructed under this section, and shall be solely
22 responsible for the costs of operating and maintaining
23 such facilities.”.

1 **SEC. 19. EMERGENCY PLANNING.**

2 (a) **CATASTROPHIC DROUGHT PLAN.**—Not later than
3 120 days after the enactment of this Act, the President
4 shall update the National Response Plan and the National
5 Disaster Recovery Framework to include a plan for cata-
6 strophic drought that calls on the capabilities of all appli-
7 cable Federal agencies and departments including the pre-
8 positioning of Federal resources to provide emergency
9 clean water supplies.

10 (b) **DEFINITIONS.**—For the purposes of this sec-
11 tion—

12 (1) the term “National Response Plan” means
13 the National Response Plan or any successor plan
14 prepared under section 502(a)(6) of the Homeland
15 Security Act of 2002.

16 (2) the term “National Disaster Recovery
17 Framework” means the National Disaster Recovery
18 Framework or any successor document prepared
19 under section 682 of the Post-Katrina Emergency
20 Management Reform Act of 2006.

21 **SEC. 20. TERMINATION OF AUTHORITIES.**

22 The authorities under sections 3, 4, 7, 8, and 12 expire on
23 the date on which the Governor of the State suspends the
24 state of drought emergency declaration or the end of 2016,
25 whichever is earlier.