

117TH CONGRESS
2D SESSION

H. R. 9353

To amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2022

Mr. LAMALFA (for himself and Mr. BENTZ) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Klamath Power and
5 Facilities Agreement Support Act”.

6 **SEC. 2. KLAMATH PROJECT WATER AND POWER.**

7 (a) ADDRESSING WATER, POWER, AND FACILITIES
8 MANAGEMENT FOR IRRIGATION.—Section 4 of the Klam-

1 ath Basin Water Supply Enhancement Act of 2000 (Pub-
2 lic Law 106–498; 114 Stat. 2221; 132 Stat. 3886; 134
3 Stat. 976) is amended—

4 (1) in subsection (b), by striking paragraph (1)
5 and inserting the following:

6 “(1) IN GENERAL.—Subject to appropriations
7 and required environmental reviews, the Secretary is
8 authorized to carry out activities, including entering
9 into a contract or making financial assistance avail-
10 able through cooperative agreements or other meth-
11 ods, to plan, implement, and administer programs,
12 including conservation and efficiency measures, land
13 idling, and use of groundwater, to align water sup-
14 plies and demand for irrigation water users associ-
15 ated with the Klamath Project, with a primary em-
16 phasis on programs developed or endorsed by local
17 entities composed of representatives of those water
18 users.”;

19 (2) in subsection (c), by adding at the end the
20 following:

21 “(2) IMPLEMENTATION.—

22 “(A) IN GENERAL.—Beginning not later
23 than 180 days after the date of enactment of
24 the Klamath Power and Facilities Agreement
25 Support Act, the Secretary shall, through 1 or

1 more cooperative agreements, financial assist-
2 ance agreements, or other methods, implement,
3 or support the implementation of, the rec-
4 ommendations identified in the report described
5 in paragraph (1) that the Secretary determines
6 would lead to bringing the net delivered power
7 cost for covered power use to an amount that
8 is the same as, or less than, the power cost
9 benchmark, subject to the availability of appro-
10 priations, on the fastest timeline practicable,
11 with respect to near- and long-term actions.

12 “(B) REQUIREMENT.—The implementation
13 of recommendations under subparagraph (A)
14 shall be carried out in accordance with—

15 “(i) the report submitted under para-
16 graph (1); and

17 “(ii) any reports submitted under
18 paragraph (3).

19 “(3) ADDITIONAL REPORTS.—Not later than
20 April 30, 2025, and every 5 years thereafter, the
21 Secretary shall submit to each committee described
22 in the matter preceding subparagraph (A) of para-
23 graph (1) a report that describes—

24 “(A) any progress toward meeting the re-
25 quirements of this subsection; and

1 “(B) any modifications or updates to the
2 actions recommended under paragraph
3 (1)(B).”; and

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

5 “(d) RESTORATION ACTIVITIES.—The Secretary
6 may—

7 “(1) plan, design, construct, operate, and main-
8 tain projects in the Klamath Basin watershed, in-
9 cluding—

10 “(A) facilities to reduce fish entrainment;

11 “(B) projects that reduce or avoid impacts
12 on aquatic resources of facilities involved in the
13 storage or diversion of water for irrigation in
14 the Klamath Project service area; and

15 “(C) projects that restore habitats in the
16 Klamath Basin watershed, including Tribal
17 fishery resources held in trust;

18 “(2) undertake studies, including feasibility
19 studies, and improvements that the Secretary deter-
20 mines to be necessary to implement this subsection;

21 “(3) in implementing this subsection, enter into
22 contracts, memoranda of understanding, financial
23 assistance agreements, cost-sharing agreements, or
24 other appropriate agreements with—

1 “(A) State, Tribal, and local governmental
2 agencies; and

3 “(B) private parties; and

4 “(4) accept and expend non-Federal funds in
5 order to facilitate implementation of this subsection.

6 “(e) GOALS.—The goals of activities under sub-
7 sections (b) and (d) shall include, as applicable—

8 “(1) the short-term and long-term reduction
9 and resolution of conflicts relating to water in the
10 Klamath Basin watershed; and

11 “(2) compatibility and utility for protecting nat-
12 ural resources throughout the Klamath Basin water-
13 shed, including the protection, preservation, and res-
14 toration of Klamath River Tribal fishery resources,
15 particularly through collaboratively developed agree-
16 ments.

17 “(f) PUMPING PLANT D.—The Secretary may enter
18 into 1 or more agreements with the Tulelake Irrigation
19 District to reimburse the Tulelake Irrigation District for
20 not more than 69 percent of the cost incurred by the
21 Tulelake Irrigation District for the operation and mainte-
22 nance of Pumping Plant D, subject to the condition that
23 the cost results in benefits to the United States.

24 “(g) KENO AND LINK RIVER DAMS.—The Secretary
25 shall comply with the terms of the agreement entitled

1 ‘2016 Klamath Power and Facilities Agreement’, includ-
2 ing Attachment A to the agreement.

3 “(h) REPLACEMENT OF C CANAL FLUME.—

4 “(1) IN GENERAL.—The replacement of the C
5 Canal flume within the Klamath Project shall be
6 considered to be, and shall receive the treatment au-
7 thorized for, qualified emergency extraordinary oper-
8 ation and maintenance work in accordance with Fed-
9 eral reclamation law (the Act of June 17, 1902 (32
10 Stat. 388, chapter 1093), and Acts supplemental to
11 and amendatory of that Act (43 U.S.C. 371 et
12 seq.)).

13 “(2) CONTRACT.—

14 “(A) IN GENERAL.—Not later than 180
15 days after the date of receipt of a request from
16 the Klamath Irrigation District to enter into a
17 contract with the Klamath Irrigation District to
18 amend the contract numbered 16–WC–20–
19 4838, the Secretary shall enter into a contract
20 with the Klamath Irrigation District providing
21 that—

22 “(i) 35 percent of the total repayment
23 obligation under the contract entered into
24 under this subparagraph is nonreimburs-
25 able to the United States; and

1 “(ii) 65 percent of the total repay-
2 ment obligation under the contract entered
3 into under this subparagraph shall be re-
4 paid to the United States over a period of
5 50 years.

6 “(B) INCLUSION.—Although the Secretary
7 shall not condition the agreement to the con-
8 tract entered into under subparagraph (A) on
9 any other term, the contract may include other
10 terms that are not less favorable to the con-
11 tractor than contract numbered 16–WC–20–
12 4838.”.

13 (b) ADMINISTRATION; EFFECT.—

14 (1) COMPLIANCE.—In implementing the amend-
15 ments made by this section, the Secretary of the In-
16 terior shall comply with—

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

19 (B) the Endangered Species Act of 1973
20 (16 U.S.C. 1531 et seq.); and

21 (C) all other applicable laws.

22 (2) EFFECT.—None of the amendments made
23 by this section—

1 (A) modify any authority or obligation of
2 the United States with respect to any Tribal
3 trust or treaty obligation of the United States;

4 (B)(i) create or determine any water right;
5 or

6 (ii) affect any water right or water right
7 claim in existence on the date of enactment of
8 this Act; or

9 (C) authorize the use of Federal funds for
10 the physical deconstruction of the Iron Gate,
11 Copco 1, Copco 2, or John C. Boyle Dam lo-
12 cated on the Klamath River in the States of
13 California and Oregon.

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