

S.L.C.
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AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for hydropower reservoir operation improvement.

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

AMENDMENT N^o 3057

By Flake

To: Amnt No 2953

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Page(s)

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energy policy of purposes.
_____ and

be printed

MR. FLAKE

Viz: *(FOR HIMSELF AND MRS. FEINSTEIN)*
to the amendment (No. 2953) proposed by Mrs. Murkowski

- 1 At the appropriate place, insert the following:
- 2 **SEC. _____ . HYDROPOWER RESERVOIR OPERATION IM-**
- 3 **PROVEMENT.**
- 4 (a) DEFINITIONS.—In this section:
- 5 (1) RESERVED WORKS.—The term “reserved
- 6 works” means any Bureau of Reclamation project
- 7 facility at which the Secretary of the Interior carries
- 8 out the operation and maintenance of the project fa-
- 9 cility.
- 10 (2) SECRETARY.—The term “Secretary” means
- 11 the Secretary of the Army.

1 (3) TRANSFERRED WORKS.—The term “trans-
2 ferred works” means a Bureau of Reclamation
3 project facility, the operation and maintenance of
4 which is carried out by a non-Federal entity, under
5 the provisions of a formal operation and mainte-
6 nance transfer contract.

7 (4) TRANSFERRED WORKS OPERATING ENTI-
8 TY.—The term “transferred works operating entity”
9 means the organization that is contractually respon-
10 sible for operation and maintenance of transferred
11 works.

12 (b) REPORT.—Not later than 180 days after the date
13 of enactment of this Act, the Secretary shall submit to
14 the Committees on Appropriations of the Senate and the
15 House of Representatives a report including, for any State
16 in which a county designated by the Secretary of Agri-
17 culture as a drought disaster area during water year 2015
18 is located, a list of projects, including Corps of Engineers
19 projects, non-Federal projects, and transferred works, op-
20 erated for flood control in accordance with rules prescribed
21 by the Secretary pursuant to section 7 of the Act of De-
22 cember 22, 1944 (commonly known as the “Flood Control
23 Act of 1944”) (58 Stat. 890, chapter 665), including, as
24 applicable—

1 (1) the year the original water control manual
2 was approved;

3 (2) the year for any subsequent revisions to the
4 water control plan and manual of the project;

5 (3) a list of projects for which—

6 (A) operational deviations for drought con-
7 tingency have been requested;

8 (B) the status of the request; and

9 (C) a description of how water conserva-
10 tion and water quality improvements were ad-
11 dressed; and

12 (4) a list of projects for which permanent or
13 seasonal changes to storage allocations have been re-
14 quested, and the status of the request.

15 (c) PROJECT IDENTIFICATION.—Not later than 60
16 days after the date of completion of the report under sub-
17 section (b), the Secretary shall identify any projects de-
18 scribed in the report—

19 (1) for which the modification of the water op-
20 erations manuals, including flood control rule curve,
21 would be likely to enhance existing authorized
22 project purposes for water supply benefits and flood
23 control operations;

24 (2) for which the water control manual and
25 hydrometeorological information establishing the

1 flood control rule curves of the project have not been
2 substantially revised during the 15-year period end-
3 ing on the date of review by the Secretary; and

4 (3) for which the non-Federal sponsor or spon-
5 sors of a Corps of Engineers project, the owner of
6 a non-Federal project, or the non-Federal trans-
7 ferred works operating entity, as applicable, has sub-
8 mitted to the Secretary a written request to revise
9 water operations manuals, including flood control
10 rule curves, based on the use of improved weather
11 forecasting or run-off forecasting methods, new wa-
12 tershed data, changes to project operations, or struc-
13 tural improvements.

14 (d) PILOT PROJECTS.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of identification of projects under sub-
17 section (c), if any, the Secretary shall carry out not
18 more than 15 pilot projects, which shall include not
19 less than 6 non-Federal projects, to implement revi-
20 sions of water operations manuals, including flood
21 control rule curves, based on the best available
22 science, which may include—

23 (A) forecast-informed operations;

24 (B) new watershed data; and

1 (C) if applicable, in the case of non-Fed-
2 eral projects, structural improvements.

3 (2) CONSULTATION.—In implementing a pilot
4 project under this subsection, the Secretary shall
5 consult with all affected interests, including—

6 (A) non-Federal entities responsible for op-
7 erations and maintenance costs of a Federal fa-
8 cility;

9 (B) individuals and entities with storage
10 entitlements; and

11 (C) local agencies with flood control re-
12 sponsibilities downstream of a facility.

13 (e) COORDINATION WITH NON-FEDERAL PROJECT
14 ENTITIES.—If a project identified under subsection (e)
15 is—

16 (1) a non-Federal project, the Secretary, prior
17 to carrying out an activity under this section,
18 shall—

19 (A) consult with the non-Federal project
20 owner; and

21 (B) enter into a cooperative agreement,
22 memorandum of understanding, or other agree-
23 ment with the non-Federal project owner de-
24 scribing the scope and goals of the activity and
25 the coordination among the parties; and

1 (2) a Federal project, the Secretary, prior to
2 carrying out an activity under this section, shall—

3 (A) consult with each Federal and non-
4 Federal entity (including a municipal water dis-
5 trict, irrigation district, joint powers authority,
6 transferred works operating entity, or other
7 local governmental entity) that currently—

8 (i) manages (in whole or in part) a
9 Federal dam or reservoir; or

10 (ii) is responsible for operations and
11 maintenance costs; and

12 (B) enter into a cooperative agreement,
13 memorandum of understanding, or other agree-
14 ment with each such entity describing the scope
15 and goals of the activity and the coordination
16 among the parties.

17 (f) CONSIDERATION.—In designing and imple-
18 menting a forecast-informed reservoir operations plan, the
19 Secretary may consider—

20 (1) the relationship between ocean and atmos-
21 pheric conditions, including—

22 (A) the El Niño and La Niña cycles; and

23 (B) the potential for above-normal, normal,
24 and below-normal rainfall for the coming water

1 year, including consideration of atmospheric
2 river forecasts;

3 (2) the precipitation and runoff index specific
4 to the basin and watershed of the relevant dam or
5 reservoir, including incorporating knowledge of
6 hydrological and meteorological conditions that influ-
7 ence the timing and quantity of runoff;

8 (3) improved hydrologic forecasting for precipi-
9 tation, snowpack, and soil moisture conditions;

10 (4) an adjustment of operational flood control
11 rule curves to optimize water supply storage and re-
12 liability, hydropower production, environmental bene-
13 fits for flows and temperature, and other authorized
14 project benefits, without a reduction in flood safety;
15 and

16 (5) proactive management in response to
17 changes in forecasts.

18 (g) FUNDING.—The Secretary may accept and ex-
19 pend amounts from non-Federal entities to fund all or a
20 portion of the cost of carrying out a review or revision
21 of operational documents, including water control plans,
22 water control manuals, water control diagrams, release
23 schedules, rule curves, operational agreements with non-
24 Federal entities, and any associated environmental docu-
25 mentation for—

1 (1) a Corps of Engineers project;

2 (2) a non-Federal project regulated for flood
3 control by the Secretary; or

4 (3) a Bureau of Reclamation transferred works
5 regulated for flood control by the Secretary.

6 (h) EFFECT.—

7 (1) MANUAL REVISIONS.—A revision of a man-
8 ual shall not interfere with the authorized purposes
9 of a Federal project or the existing purposes of a
10 non-Federal project regulated for flood control by
11 the Secretary.

12 (2) EFFECT OF SECTION.—

13 (A) Nothing in this section authorizes the
14 Secretary to carry out, at a Federal dam or res-
15 ervoir, any project or activity for a purpose not
16 otherwise authorized as of the date of enact-
17 ment of this Act.

18 (B) Nothing in this section affects or
19 modifies any obligation of the Secretary under
20 State law.

21 (3) BUREAU OF RECLAMATION RESERVED
22 WORKS EXCLUDED.—This section—

23 (A) shall not apply to any dam or reservoir
24 operated by the Bureau of Reclamation as a re-
25 served work, unless all non-Federal project

1 sponsors of a reserved work jointly provide to
2 the Secretary a written request for application
3 of this section to the project; and

4 (B) shall apply only to Bureau of Reclama-
5 tion transferred works at the written request of
6 the transferred works operating entity.

7 (i) MODIFICATIONS TO MANUALS AND CURVES.—Not
8 later than 180 days after the date of completion of a modi-
9 fication to an operations manual or flood control rule
10 curve, the Secretary shall submit to Congress a report re-
11 garding the components of the forecast-based reservoir op-
12 erations plan incorporated into the change.