

HR 2828

Water Supply, Reliability, and Environmental Improvement Act

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Water Resources Development

Introduced: Jul 23, 2003

Current Status: Became Public Law No: 108-361.

Latest Action: Became Public Law No: 108-361. (Oct 25, 2004)

Law: 108-361 (Enacted Oct 25, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/2828>

Sponsor

Name: Rep. Calvert, Ken [R-CA-44]

Party: Republican • **State:** CA • **Chamber:** House

Cosponsors (31 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Baca, Joe [D-CA-43]	D · CA		Jul 23, 2003
Rep. Bono, Mary [R-CA-45]	R · CA		Jul 23, 2003
Rep. Cardoza, Dennis A. [D-CA-18]	D · CA		Jul 23, 2003
Rep. Cox, Christopher [R-CA-48]	R · CA		Jul 23, 2003
Rep. Cunningham, Randy (Duke) [R-CA-50]	R · CA		Jul 23, 2003
Rep. Dooley, Calvin M. [D-CA-20]	D · CA		Jul 23, 2003
Rep. Doolittle, John T. [R-CA-4]	R · CA		Jul 23, 2003
Rep. Dreier, David [R-CA-26]	R · CA		Jul 23, 2003
Rep. Gallegly, Elton [R-CA-24]	R · CA		Jul 23, 2003
Rep. Hunter, Duncan [R-CA-52]	R · CA		Jul 23, 2003
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Jul 23, 2003
Rep. Lewis, Jerry [R-CA-41]	R · CA		Jul 23, 2003
Rep. McKeon, Howard P. "Buck" [R-CA-25]	R · CA		Jul 23, 2003
Rep. Miller, Gary G. [R-CA-42]	R · CA		Jul 23, 2003
Rep. Nunes, Devin [R-CA-21]	R · CA		Jul 23, 2003
Rep. Ortiz, Solomon P. [D-TX-27]	D · TX		Jul 23, 2003
Rep. Osborne, Tom [R-NE-3]	R · NE		Jul 23, 2003
Rep. Ose, Doug [R-CA-3]	R · CA		Jul 23, 2003
Rep. Pombo, Richard W. [R-CA-11]	R · CA		Jul 23, 2003
Rep. Radanovich, George [R-CA-19]	R · CA		Jul 23, 2003
Rep. Renzi, Rick [R-AZ-1]	R · AZ		Jul 23, 2003
Rep. Rohrabacher, Dana [R-CA-46]	R · CA		Jul 23, 2003
Rep. Royce, Edward R. [R-CA-40]	R · CA		Jul 23, 2003
Rep. Thomas, William M. [R-CA-22]	R · CA		Jul 23, 2003
Rep. Napolitano, Grace F. [D-CA-38]	D · CA		Jul 24, 2003
Rep. Reyes, Silvestre [D-TX-16]	D · TX		Jul 24, 2003
Rep. Rodriguez, Ciro D. [D-TX-28]	D · TX		Jul 24, 2003
Rep. Filner, Bob [D-CA-51]	D · CA		Sep 5, 2003
Rep. Pearce, Stevan [R-NM-2]	R · NM		Sep 24, 2003
Rep. Sanchez, Loretta [D-CA-47]	D · CA		Sep 30, 2003
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		Apr 22, 2004

Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Reported by	Sep 25, 2003
Transportation and Infrastructure Committee	House	Referred to	Jul 24, 2003

Subjects & Policy Tags

Policy Area:

Water Resources Development

Related Bills

Bill	Relationship	Last Action
108 HRES 711	Procedurally related	Jul 9, 2004: On agreeing to the resolution Agreed to by recorded vote: 237 - 158 (Roll no. 351). (text: CR H5405-5406)
108 S 1097	Related bill	May 20, 2004: Placed on Senate Legislative Calendar under General Orders. Calendar No. 523.
108 HR 2641	Related bill	Jul 24, 2003: Subcommittee Hearings Held.

(This measure has not been amended since it was passed by the Senate on September 15, 2004. The summary of that version is repeated here.)

Water Supply, Reliability, and Environmental Improvement Act - **Title I: California Water Security and Environmental Enhancement** - Calfed Bay-Delta Authorization Act - (Sec. 103) Approves the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000, as a general framework for addressing the Calfed Bay-Delta Program. Authorizes the Secretary of the Interior (the Secretary) and the heads of the Department of the Interior, the Bureau of Reclamation, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the U.S. Geological Survey, the Environmental Protection Agency (EPA), the Army Corps of Engineers, the Department of Commerce, the National Marine Fisheries Service, the Department of Agriculture, the Natural Resources Conservation Service, the Forest Service, and the Western Area Power Administration to carry out activities under this title consistent with: (1) the Record of Decision; (2) the requirement that Program activities consisting of protecting drinking water quality, restoring ecological health, improving water supply reliability (including additional storage, conveyance, and new firm yield [i.e., a quantity of water projected to be available on a reliable basis, given a specified level of risk, during a critically dry period]), and protecting Delta levees will progress in a balanced manner; and (3) this title. Directs the Secretary and such agency heads to consider, in selecting programs and projects, whether the activities have multiple benefits.

Authorizes the Secretary and such agency heads to carry out specified activities in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title, if such an activity has been: (1) subject to environmental review and approval, as required under applicable Federal and State law; and (2) approved and certified by the relevant Federal agency, following consideration and coordination with the Governor of California (the Governor), to be consistent with the Record of Decision.

Authorizes the Secretary, the Administrator of EPA, the Secretary of the Army, the Secretary of Commerce, and the Secretary of Agriculture to carry out specified activities, including planning activities and feasibility studies for specific projects (including the Shasta Dam in Shasta County, California, the Los Vaqueros Reservoir in Contra Costa County, and projects requiring further consideration at the Sites Reservoir in Colusa County and the Upper San Joaquin River storage in Fresno and Madera Counties), developing and implementing groundwater management and storage projects, and conducting comprehensive water management planning.

Directs the Secretary: (1) upon completion of the feasibility study and upon determination that the project should be constructed with Federal funds, to submit the feasibility study to Congress; (2) if Congress fails to authorize project construction by the end of the next full session following the study's submission, to prepare a written determination making a finding of imbalance for the Calfed Bay-Delta Program; and (3) upon making such a finding, to prepare and submit to Congress a report on the measures necessary to rebalance the Program (including preparation of revised schedules and identification of alternatives to rebalance the Program).

Directs the Secretary, acting through the Bureau of Reclamation, to conduct a study of available water supplies and existing and future needs for water within: (1) the units of the Central Valley Project (CVP); (2) the area served by CVP agricultural, municipal, and industrial water service contractors; and (3) the Calfed Delta solution area. Directs that the study incorporate and revise as necessary a study required by the CVP Improvement Act of 1992. Directs the Secretary to conduct activities related to developing groundwater storage projects and to comprehensive water management planning, to the extent authorized under existing law. Requires the Secretary to submit a report to the congressional

authorizing committees describing the results of the study, including: (1) any new firm yield and water supply improvements for CVP agricultural water service contractors and municipal and industrial water service contractors; (2) all water management actions or projects that would improve new firm yield or water supply and that would balance available supplies and existing demand with due recognition of water right priorities and environmental needs; (3) the financial costs of such actions and projects; and (4) the beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs.

Specifies authorized activities, including for: (1) the South Delta, actions to increase the State Water Project (SWP) export limit, install permanent operable barriers in the south Delta, evaluate (consistent with the Record of Decision) fish screens and intake facilities at the Tracy Pumping Plant facilities, and increase the SWP export to the maximum capability; and (2) the North Delta, evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns, evaluation of a screened through-Delta facility on the Sacramento River, and evaluation of lower Mokelumne River flood-way improvements. Requires the Secretary, prior to increasing export limits from the Delta to convey water to south-of-Delta CVP contractors or increasing deliveries through an intertie, to develop and initiate implementation of a program to meet all existing water quality standards and objectives for which the CVP has responsibility.

Directs the Secretary to: (1) develop and implement, in coordination with the State of California's (State) programs to improve water quality in the San Joaquin River, a best management practices plan to reduce the water quality impacts of the discharges from wildlife refuges that receive water from the Government and discharge salt or other constituents into the San Joaquin River, developed in coordination with interested parties in the San Joaquin Valley and the Delta; and (2) coordinate activities with other entities that discharge water into that River to reduce salinity concentrations discharged into the River, including the timing of discharges to optimize their assimilation.

Directs the Secretary to: (1) incorporate into the Program the acquisition from willing sellers of water from tributaries to the San Joaquin River or other sources to provide flow, dilute discharges of salt or other constituents, and improve water quality in that river below its confluence with the Merced River and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives; and (2) update the New Melones operating plan to consider the actions outlined in this title designed to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives and to ensure that actions to enhance fisheries in the Stanislaus River are based on the best available science.

Lists authorized activities with respect to water use efficiency, water transfers, integrated regional water management plans, and ecosystem restoration. Directs the Secretary to submit to the appropriate authorizing committees by October 1 of each year, with respect to an ecosystem restoration action carried out by or for the Secretary, an annual ecosystem program plan report that includes information on the program's goals and objectives, accomplishments, major activities, implementation schedules and budgets, monitoring programs and performance measures, and expected benefits relative to cost. Directs that projects involving acquisition of private lands be included in the plan.

Authorizes the Secretary, EPA Administrator, Secretary of the Army, and Secretaries of Agriculture and Commerce to carry out specified activities under new and expanded authorizations, including: (1) feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project and increased capacity of the intertie between the SWP California Aqueduct and the CVP Delta Mendota Canal near the City of Tracy; (2) reconstructing Delta levees to a base level of protection; and (3) program support and tracking, oversight, and coordination of public outreach and involvement.

(Sec. 104) Requires Federal agencies, in carrying out the Program, to: (1) coordinate their activities with specified California agencies (State agencies); (2) cooperate with local and tribal governments and the public, through an advisory committee and other appropriate means, to seek input on Program elements, such as planning, design, technical assistance, and development of peer review science programs; and (3) seek to ensure that all major aspects of implementing the Program are subjected to credible and objective scientific review and that major decisions are based upon the best available scientific information.

Directs the Federal and State agencies to continue to collaborate to develop a comprehensive environmental justice work plan for the Program and to fulfill the commitment to addressing specified environmental justice challenges. Allows Federal funds appropriated specifically for implementation of the Program to be used to acquire land where consistent with the Record of Decision.

(Sec. 105) Directs the Secretary, by February 15 of each year, in cooperation with the Governor, to submit to the appropriate authorizing and appropriating House and Senate Committees a report that: (1) describes the status of implementation of all components of the Program; (2) sets forth any written determination resulting from the review required; and (3) includes any revised schedule prepared under this title. Sets forth report requirements, including a description of accomplishments during the past fiscal year in achieving specified objectives, such as additional and improved water storage, water quality (including progress in, and pending actions that may affect, achieving specified targets for water supply and quality and environmental water account requirements), ecosystem restoration, water supply reliability, and completion of key projects and milestones identified in the Ecosystem Restoration Program. Requires the Secretary, by November 15 of each year, to review progress in implementing the Program based on consistency with the Record of Decision and balance in achieving Program goals and objectives and to prepare a revised schedule if specified conditions are not met.

(Sec. 106) Requires: (1) the budget of the President to include requests for the appropriate funding level for each of the Federal agencies to carry out their responsibilities under the Program; (2) the Federal agencies with authority and programmatic responsibility to request the funds; and (3) the Director of the Office of Management and Budget, in coordination with the Governor, to submit to the authorizing and appropriating committees a financial report certified by the Secretary containing an interagency budget crosscut report, a detailed accounting of all funds received and obligated by all Federal and State agencies responsible for implementing the Program during the previous fiscal year, a budget for the proposed projects to be carried out in the upcoming fiscal year with the Federal portion of funds for specified activities, and a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion for such activities.

(Sec. 107) Limits the Federal share of the cost of implementing the Program for FY 2005 through 2010 in the aggregate, as set forth in the Record of Decision, to 33.3 percent. Directs the Secretary to ensure that all beneficiaries pay for the benefit received from all projects or activities carried out under the Program. Declares that Federal Program expenditures shall be implemented so as to encourage integrated resource planning.

(Sec. 108) Provides that nothing in this title: (1) invalidates or preempts State water law or an interstate compact governing water; (2) alters the rights of any State to an appropriate share of the waters of any body of surface or ground water; (3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; (4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource; and (5) alters or modifies any provision of existing Federal law, except as specifically provided in this title.

(Sec. 109) Authorizes appropriations to the Secretary and Federal agency heads to pay the Federal cost share of

carrying out the new and expanded authorities in this title for FY 2005 through 2010.

Title II: Miscellaneous - (Sec. 201) Directs the Secretary, by December 31, 2006, in coordination with the State and the Salton Sea Authority, to complete a feasibility study on a preferred alternative for Salton Sea restoration.

(Sec. 202) Authorizes the Secretary, through the Bureau of Reclamation and in cooperation with the El Dorado Irrigation District, to study the feasibility of constructing a project on Alder Creek in El Dorado County to store water and provide water supplies during dry and critically dry years for consumptive use, recreation, in-stream flows, irrigation, and power production. Directs the Secretary to report to specified congressional committees with the results of the study, including cost sharing options for the implementation of the project based on the use and possible allocation of any stored water. Limits the Federal share to 50 percent of the total cost of the study. Authorizes appropriations.

(Sec. 203) Increases the authorization for a temperature control device for Folsom Reservoir.

Actions Timeline

- **Oct 25, 2004:** Signed by President.
- **Oct 25, 2004:** Signed by President.
- **Oct 25, 2004:** Became Public Law No: 108-361.
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- **Oct 13, 2004:** Presented to President.
- **Oct 13, 2004:** Presented to President.
- **Oct 6, 2004:** Mr. Pombo moved that the House suspend the rules and agree to the Senate amendment.
- **Oct 6, 2004:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2828.
- **Oct 6, 2004:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote.(consideration: CR H8224-8235; text as House agreed to Senate amendment: CR H8224-8229)
- **Oct 6, 2004:** On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote. (consideration: CR H8224-8235; text as House agreed to Senate amendment: CR H8224-8229)
- **Oct 6, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 17, 2004:** Message on Senate action sent to the House.
- **Sep 15, 2004:** Measure laid before Senate by unanimous consent.
- **Sep 15, 2004:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(consideration: CR S9360; text as passed Senate: CR S9360)
- **Sep 15, 2004:** Passed Senate with an amendment by Unanimous Consent. (consideration: CR S9360; text as passed Senate: CR S9360)
- **Jul 16, 2004:** Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 640.
- **Jul 12, 2004:** Received in the Senate.
- **Jul 9, 2004:** Rule H. Res. 711 passed House.
- **Jul 9, 2004:** Considered under the provisions of rule H. Res. 711. (consideration: CR H5416-5440; text of measure as reported in House: CR H5416-5421)
- **Jul 9, 2004:** Rule provides for consideration of H.R. 2828 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order.
- **Jul 9, 2004:** DEBATE - The House proceeded with one hour of debate on H.R. 2828.
- **Jul 9, 2004:** DEBATE - The House proceeded with 20 minutes of debate on the Calvert amendment.
- **Jul 9, 2004:** The previous question was ordered pursuant to the rule on both the amendment and on the bill. (consideration: CR H5438)
- **Jul 9, 2004:** Mr. Miller, George moved to recommit with instructions to Resources.
- **Jul 9, 2004:** DEBATE - The House proceeded with 10 minutes of debate on the George Miller motion to recommit with instructions. The instructions contained within the motion seek to require the bill to be reported back to the House with an amendment to strike section 103(b)(5)(A)(i)(III).
- **Jul 9, 2004:** On motion to recommit with instructions Failed by the Yeas and Nays: 139 - 255 (Roll no. 354). (consideration: CR H5438-5440)
- **Jul 9, 2004:** Passed/agreed to in House: On passage Passed by voice vote.(text: CR H5421-5425)
- **Jul 9, 2004:** On passage Passed by voice vote. (text: CR H5421-5425)
- **Jul 9, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 9, 2004:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2828.
- **Jul 8, 2004:** Rules Committee Resolution H. Res. 711 Reported to House. Rule provides for consideration of H.R. 2828 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order.
- **Jun 25, 2004:** Reported (Amended) by the Committee on Resources. H. Rept. 108-573, Part I.
- **Jun 25, 2004:** Reported (Amended) by the Committee on Resources. H. Rept. 108-573, Part I.
- **Jun 25, 2004:** House Committee on Transportation Granted an extension for further consideration ending not later than June 25, 2004.
- **Jun 25, 2004:** Committee on Transportation discharged.

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- **Jun 25, 2004:** Placed on the Union Calendar, Calendar No. 335.
 - **May 5, 2004:** Committee Consideration and Mark-up Session Held.
 - **May 5, 2004:** Ordered to be Reported (Amended) by Voice Vote.
 - **Sep 25, 2003:** Subcommittee Consideration and Mark-up Session Held.
 - **Sep 25, 2003:** Forwarded by Subcommittee to Full Committee by Voice Vote.
 - **Jul 24, 2003:** Referred to the Subcommittee on Water Resources and Environment.
 - **Jul 24, 2003:** Referred to the Subcommittee on Water and Power.
 - **Jul 24, 2003:** Subcommittee Hearings Held.
 - **Jul 23, 2003:** Introduced in House
 - **Jul 23, 2003:** Introduced in House
 - **Jul 23, 2003:** Referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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