

## S 2379

### Klamath Basin Water Recovery and Economic Restoration Act of 2014

**Congress:** 113 (2013–2015, Ended)

**Chamber:** Senate

**Policy Area:** Water Resources Development

**Introduced:** May 21, 2014

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 639.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 639. (Dec 10, 2014)

**Official Text:** <https://www.congress.gov/bill/113th-congress/senate-bill/2379>

## Sponsor

**Name:** Sen. Wyden, Ron [D-OR]

**Party:** Democratic • **State:** OR • **Chamber:** Senate

## Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Boxer, Barbara [D-CA]	D · CA		May 21, 2014
Sen. Feinstein, Dianne [D-CA]	D · CA		May 21, 2014
Sen. Merkley, Jeff [D-OR]	D · OR		May 21, 2014

## Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Hearings By (subcommittee)	Jun 3, 2014

## Subjects & Policy Tags

### Policy Area:

Water Resources Development

## Related Bills

Bill	Relationship	Last Action
113 S 2727	Related bill	Jul 31, 2014: Read twice and referred to the Committee on Finance.

Klamath Basin Water Recovery and Economic Restoration Act of 2014 - (Sec. 3) Authorizes, ratifies, and confirms: (1) the Hydroelectric Settlement (Settlement), the Klamath River Basin Restoration Agreement for the Sustainability of Public and Trust Resources and Affected Communities (Restoration Agreement), and the Upper Klamath Basin Comprehensive Agreement (Upper Basin Agreement), except as modified by this Act; and (2) any amendments to the Settlement, Restoration Agreement, or Upper Basin Agreement that are executed to make them consistent with this Act.

Directs the Secretary of the Interior (Secretary), the Secretary of Commerce, and the Secretary of Agriculture to promptly execute and implement the Restoration Agreement.

Directs the Secretary and the Secretary of Commerce to promptly execute and implement the Upper Basin Agreement.

Directs the Secretary, the Secretary of Commerce, and the Federal Energy Regulatory Commission (FERC) to implement the Settlement to the extent that it does not conflict with this Act.

(Sec. 4) Includes in the Klamath Reclamation Project's purposes irrigation, reclamation, flood control, municipal uses, industrial uses, power, fish and wildlife purposes, and National Wildlife Refuge purposes.

Prohibits water allocations for fish and wildlife and National Wildlife Refuge purposes from adversely affecting water allocations for irrigation purposes, with the exception of allocations to refuges as provided for in the Restoration Agreement.

Provides for the disposition of net revenues from the leasing of refuge land within the Tule Lake National Wildlife Refuge and the Lower Klamath National Wildlife Refuge.

(Sec. 5) Authorizes the Klamath Tribes, and the United States acting as trustee for such Tribes, to make the commitments set forth in the Restoration Agreement and Upper Basin Agreement in consideration of: (1) the benefits those Agreements provide to the Tribes, and (2) the resolution of any contest or exception the Klamath Project Water Users and Off-Project Irrigators had to the Tribes' water rights claims.

Authorizes the Karuk Tribe and Yurok Tribe to make the commitments set forth in the Restoration Agreement in consideration for the commitments of the Klamath Project Water Users described in that Agreement and the other benefits provided in that Agreement and this Act.

Authorizes the Klamath Tribes, Karuk Tribe, Yurok Tribe, and any other federally recognized tribes of the Klamath Basin that become party to the Restoration Agreement after this Act's enactment to relinquish and release certain claims against the United States.

(Sec. 6) Amends the Klamath Basin Water Supply Enhancement Act of 2000 to authorize the Secretary, consistent with the Agreements, to carry out any activities to:

- align water supplies with demand, including activities to reduce water consumption and demand;
- limit the net costs of power used to manage water for the Klamath Project, the On-Project Power Users, irrigators in the Off-Project Area, and the Klamath Basin National Wildlife Refuge Complex; and
- restore any ecosystem and otherwise protect fish and wildlife in the Klamath Basin watershed, including tribal fishery resources held in trust.

(Sec. 7) Establishes in the Treasury the Klamath Tribes Tribal Resource Fund to be managed, invested, and administered by the Secretary for the benefit of the Klamath Tribes in accordance with the Upper Basin Agreement.

Authorizes the Klamath Tribes to submit a tribal investment plan that, if approved by the Secretary, would allow funds from the Fund to be disbursed to the Tribes for investment in accordance with that plan.

Requires the Klamath Tribes to submit for the Secretary's approval an economic development plan for the use of the Fund. Requires that plan to include a resource acquisition and enhancement plan that requires at least 50% of the amount appropriated each fiscal year for the Fund to be used to enhance, restore, and utilize the natural resources of the Tribes in a manner that also provides for the Tribes' economic development and benefits adjacent non-Indian communities.

Prohibits any amount in the Fund or revenue from any water use contract from being distributed to any member of the Klamath Tribes on a per capita basis.

Requires the Tribes to make the commitments set forth in the Agreements and to be in substantial compliance with those commitments before amounts in the Fund are disbursed.

Directs the Secretary to submit annual reports to Congress on the operation of the Fund.

Authorizes appropriations for the Fund.

(Sec. 8) Directs the Governors of Oregon and California and the Secretary, in accordance with the Settlement, to jointly: (1) determine whether to proceed with the removal of the Iron Gate Dam, the Copco No. 1 Dam, the Copco No. 2 Dam, and the J.C. Boyle Dam on the Klamath River based on, but not limited to, factors identified in the Settlement; and (2) designate a dam removal entity if they decide to proceed.

Directs the Secretary and the Governors to: (1) report to Congress and make public a report on the determination and plan for facilities removal, and (2) report to Congress on the results of facilities removal within three years after facilities removal is completed.

Requires the Secretary to accept title to the Keno Dam in Klamath County, Oregon, upon receiving notice that the dam removal entity is ready to remove the J.C. Boyle Dam. Terminates FERC's jurisdiction over the Keno Dam and makes it part of the Klamath Reclamation Project upon the Secretary's acceptance of title to it.

Requires FERC to: (1) issue an order approving partial surrender of the license for the East Side and West Side Developments associated with the Link River Dam upon PacifiCorp's filing of an application for such surrender; and (2) resume timely consideration of the pending licensing application for the Fall Creek Development within 60 days after title to the Iron Gate Dam is transferred to the dam removal entity, regardless of whether PacifiCorp retains ownership of the Development.

Transfers title to PacifiCorp's California hatchery facilities to California when the dam removal entity takes title to the Iron Gate Dam or such other time as may be agreed to by the Settlement parties.

(Sec. 9) Authorizes the Secretary, the Secretary of Commerce, and the Secretary of Agriculture to enter into agreements with state, tribal, and local governments and private individuals and entities in order to implement the Act, the Settlement, and the Agreements.

Requires priority to be given to the Yurok Tribe, the Karuk Tribe, the Klamath Tribes, and any other federally recognized tribes of the Klamath Basin that become party to the Restoration Agreement in awarding grants or contracts to implement the fisheries programs in that Agreement.

Sets forth budgetary provisions.

Requires the Secretary, the Secretary of Commerce, and the Secretary of Agriculture to report to Congress each fiscal year regarding the implementation of the Settlement and the Agreements.

## **Actions Timeline**

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- **Dec 10, 2014:** Committee on Energy and Natural Resources. Reported by Senator Landrieu with an amendment in the nature of a substitute. With written report No. 113-299.
- **Dec 10, 2014:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 639.
- **Nov 13, 2014:** Committee on Energy and Natural Resources. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jun 3, 2014:** Committee on Energy and Natural Resources Subcommittee on Water and Power. Hearings held.
- **May 21, 2014:** Introduced in Senate
- **May 21, 2014:** Sponsor introductory remarks on measure. (CR S3239-3241)
- **May 21, 2014:** Read twice and referred to the Committee on Energy and Natural Resources.