

HR 5781

California Emergency Drought Relief Act of 2014

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Water Resources Development

Introduced: Dec 2, 2014

Current Status: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources. (Dec 10, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/5781>

Sponsor

Name: Rep. Valadao, David G. [R-CA-21]

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

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Calvert, Ken [R-CA-42]	R · CA		Dec 2, 2014
Rep. Costa, Jim [D-CA-16]	D · CA		Dec 2, 2014
Rep. LaMalfa, Doug [R-CA-1]	R · CA		Dec 2, 2014
Rep. McCarthy, Kevin [R-CA-23]	R · CA		Dec 2, 2014
Rep. McClintock, Tom [R-CA-4]	R · CA		Dec 2, 2014
Rep. Nunes, Devin [R-CA-22]	R · CA		Dec 2, 2014
Rep. Cook, Paul [R-CA-8]	R · CA		Dec 8, 2014

Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Referred To	Dec 10, 2014
Natural Resources Committee	House	Referred To	Dec 2, 2014

Subjects & Policy Tags

Policy Area:

Water Resources Development

Related Bills

Bill	Relationship	Last Action
113 HRES 770	Related bill	Dec 4, 2014: Motion to reconsider laid on the table Agreed to without objection.

California Emergency Drought Relief Act of 2014 - **Title I: California Emergency Drought Relief** - (Sec. 102) Grants the Secretaries of Commerce and the Interior (Secretaries) emergency authority, subject to existing priorities of individuals and entities, to direct the operations of the Central Valley Project (CVP) and allow the State Water Project (SWP) operated by the California Department of Water Resources to provide the maximum quantity of water supplies possible to CVP agricultural, municipal and industrial, and refuge service repayment contractors and SWP contractors, by allowing, consistent with applicable laws, any projects or operations to: (1) provide additional water supplies; and (2) address the emergency drought conditions as quickly as possible.

Directs the applicable Secretary, in carrying out such emergency authority, to:

- authorize and implement actions to ensure that the Delta Cross Channel Gates remain open to the maximum extent practicable timed to maximize peak tide flood periods and to provide water supply and water quality benefits;
- implement turbidity control strategies that allow for increased water deliveries for the CVP and the SWP, while avoiding a negative impact on the long-term survival delta smelt due to entrainment at the CVP and SWP pumping plants;
- operate pumps within the ranges provided for in the smelt and salmonid biological opinions (issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service) to minimize water supply reductions for the CVP and SWP, manage reverse flow in Old and Middle Rivers at negative 5000 cubic feet per second, and show in writing that any determination to manage reverse flow at lower rates is necessary to avoid a significant negative impact on the long-term survival of the Delta smelt;
- adopt a 1:1 inflow-to-export ratio for the increment of increased flow of the San Joaquin River;
- issue all necessary permit decisions within 30 days of receiving a completed application by the state of California to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for CVP and SWP contractors and other water users;
- complete all requirements under the National Environmental Policy Act of 1969 (NEPA) necessary to make final permit decisions on water transfer requests associated with voluntarily following nonpermanent crops within 30 days after receiving such a request;
- allow any North of Delta agricultural water service contractor with unused CVP water to receive such water through April 15 following the contract year in which such water was allocated;
- meet the Level 2 and Level 4 water supply needs of units of the National Wildlife Refuge System through the improvement or installation of wells to use groundwater resources and the purchase of water from willing sellers; and
- implement instream and offsite projects in the Delta and upstream Sacramento River and San Joaquin River basins that offset the effects on endangered species under the Endangered Species Act of 1973.

Directs federal agency heads to use the expedited procedures of this Act to make final decisions relating to a federal project or operation to provide additional water supplies or to address emergency drought conditions.

Requires: (1) the Secretary of the Interior, upon the request of the state of California, to convene a final project decision meeting with the heads of relevant federal agencies to decide whether to approve a project to provide emergency water supplies, and (2) the agency heads to issue a final decision on a project not later than 10 days after a meeting is requested.

(Sec. 103) Authorizes the Secretaries to: (1) permit the CVP and SWP, combined, to operate at levels that result in negative Old and Middle River flows at -7500 cubic feet per second for a cumulative period of 28 days after October 1 of each water year during periods in which the daily average river flow of the Sacramento River is at or above 17,000 cubic feet per second (temporary operational flexibility); and (2) continue to impose requirements under the smelt and salmonid biological opinions necessary to avoid additional negative impacts on the long-term survival of a listed fish species beyond the range of those authorized under the Endangered Species Act of 1973.

(Sec. 104) Requires the Secretaries to provide a progress report on the implementation of emergency drought relief projects under this title to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources.

(Sec. 105) Requires the Secretary of the Interior, one year after the enactment of this Act, to provide a progress report on the status of certain feasibility studies, including timelines for study completions and environmental documents.

Title II: Protection of Third-Party Water Rights - (Sec. 201) Directs the Secretary of the Interior to confer with the California Department of Fish and Wildlife on potential impacts to any consistency determination for operations of the SWP resulting from the implementation of this Act.

(Sec. 202) Requires the Secretary, in the operation of the CVP, to adhere to California laws governing water rights priorities and honor water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914.

(Sec. 203) Requires the Secretary to ensure that actions taken to comply with environmental laws do not: (1) result in the involuntary reduction of water supply or fiscal impacts to recipients of water from either the SWP or the United States, or (2) cause redirected adverse water supply or fiscal impacts to those within the Sacramento River or San Joaquin River watersheds or the SWP service area.

(Sec. 204) Directs the Secretary of the Interior, in the operation of the CVP, to allocate water provided for irrigation purposes to existing CVP agricultural water service contractors within the Sacramento River Watershed in compliance with specified allocation percentages. Makes the Secretary's allocations subject to: (1) the priority of individuals or entities with Sacramento River water rights, (2) the U.S. obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors, and (3) the Secretary's obligation to make water available to managed wetlands pursuant to the Central Valley Project Improvement Act. Declares that the Secretary's allocation authority shall not be deemed to: (1) modify any provision of a water service contract that addresses municipal and industrial water shortage policies; (2) affect or limit the authority of the Secretary to adopt, modify, or implement municipal and industrial water shortage policies; (3) affect allocations to CVP municipal and industrial contractors; (4) affect the allocation of water to Friant Division contractors; or (5) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant Division.

Requires the Secretary to develop and implement a program to allow existing CVP agricultural water service contractors within the Sacramento River Watershed to reschedule water, provided for under their water service contracts, from one year to the next.

Title III: Miscellaneous Provisions - (Sec. 301) Declares that nothing in this Act preempts or modifies any existing obligation of the United States under federal reclamation law to operate the CVP in conformity with state law, including established water rights priorities.

(Sec. 302) Terminates this Act on the later of September 30, 2016, or the date on which the governor of California

suspends the state of drought emergency declaration.

Actions Timeline

- **Dec 10, 2014:** Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
- **Dec 9, 2014:** Considered as unfinished business. (consideration: CR H8886-8889)
- **Dec 9, 2014:** Pursuant to clause 1(c) of rule 19, further proceedings on H.R. 5781 were resumed.
- **Dec 9, 2014:** Mr. Miller, George moved to recommit with instructions to the Committee on Natural Resources. (consideration: CR H8886-8888; text: CR H8886)
- **Dec 9, 2014:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the George Miller (CA) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to ensure that nothing in the underlying legislation would: (1) adversely affect the commercial or sport fishing industries of California, Oregon, or Washington state or any population of west coast salmon; (2) create any legal precedent for any state other than California on water rights; or (3) undermine Native American tribal sovereignty, or reduce the quantity or quality of the water available by affected Indian tribes.
- **Dec 9, 2014:** The previous question on the motion to recommit with instructions was ordered pursuant to the rule. (consideration: CR H8887-8888)
- **Dec 9, 2014:** On motion to recommit with instructions Failed by the Yeas and Nays: 182 - 228 (Roll no. 552).
- **Dec 9, 2014:** Passed/agreed to in House: On passage Passed by recorded vote: 230 - 182 (Roll no. 553).(text: CR 12/08/2014 H8826-8829)
- **Dec 9, 2014:** On passage Passed by recorded vote: 230 - 182 (Roll no. 553). (text: CR 12/08/2014 H8826-8829)
- **Dec 9, 2014:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 8, 2014:** Considered under the provisions of rule H. Res. 770. (consideration: CR H8826-8840)
- **Dec 8, 2014:** Resolution provides for consideration of the Senate amendment to H.R. 3979; consideration of the bill H.R. 5759; and consideration of the bill H.R. 5781.
- **Dec 8, 2014:** DEBATE - Pursuant to the provisions of H. Res. 770, the House proceeded with one hour of debate on H.R. 5781.
- **Dec 8, 2014:** The previous question was ordered pursuant to the rule. (consideration: CR H8840)
- **Dec 8, 2014:** POSTPONED PROCEEDINGS - The Chair announced that, pursuant to clause 1(c), rule XIX, further proceedings on H.R. 5781 would be postponed.
- **Dec 2, 2014:** Introduced in House
- **Dec 2, 2014:** Referred to the House Committee on Natural Resources.