

114TH CONGRESS
1ST SESSION

S. 1305

To amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2015

Mr. BARRASSO introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir.

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. AMENDMENTS TO THE COLORADO RIVER STOR-**
4 **AGE PROJECT ACT.**

5 The Act of April 11, 1956 (commonly known as the
6 “Colorado River Storage Project Act”), is amended—

7 (1) by redesignating section 17 (43 U.S.C.
8 620o) as section 18; and

9 (2) by inserting after section 16 (43 U.S.C.
10 620n–1) the following:

1 **“SEC. 17. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY**
2 **OF FONTENELLE RESERVOIR AVAILABLE**
3 **FOR USE.**

4 “(a) IN GENERAL.—The Secretary of the Interior, in
5 cooperation with the State of Wyoming, may amend the
6 Definite Plan Report for the Seedskadee Project author-
7 ized under the first section to provide for the study, de-
8 sign, planning, and construction activities that will enable
9 the use of all active storage capacity (as may be defined
10 or limited by legal, hydrologic, structural, engineering,
11 economic, and environmental considerations) of Fontenelle
12 Dam and Reservoir, including the placement of sufficient
13 riprap on the upstream face of Fontenelle Dam to allow
14 the active storage capacity of Fontenelle Reservoir to be
15 used for those purposes for which the Seedskadee Project
16 was authorized.

17 “(b) COOPERATIVE AGREEMENTS.—

18 “(1) IN GENERAL.—The Secretary of the Inte-
19 rior may enter into any contract, grant, cooperative
20 agreement, or other agreement that is necessary to
21 carry out subsection (a).

22 “(2) STATE OF WYOMING.—

23 “(A) IN GENERAL.—The Secretary of the
24 Interior shall enter into a cooperative agree-
25 ment with the State of Wyoming to work in co-
26 operation and collaboratively with the State of

1 Wyoming for planning, design, related
2 preconstruction activities, and construction of
3 any modification of the Fontenelle Dam under
4 subsection (a).

5 “(B) REQUIREMENTS.—The cooperative
6 agreement under subparagraph (A) shall, at a
7 minimum, specify the responsibilities of the
8 Secretary of the Interior and the State of Wyo-
9 ming with respect to—

10 “(i) completing the planning and final
11 design of the modification of the
12 Fontenelle Dam under subsection (a);

13 “(ii) any environmental and cultural
14 resource compliance activities required for
15 the modification of the Fontenelle Dam
16 under subsection (a) including compliance
17 with—

18 “(I) the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4321
20 et seq.);

21 “(II) the Endangered Species Act
22 of 1973 (16 U.S.C. 1531 et seq.); and

23 “(III) subdivision 2 of division A
24 of subtitle III of title 54, United
25 States Code; and

1 “(iii) the construction of the modifica-
2 tion of the Fontenelle Dam under sub-
3 section (a).

4 “(c) FUNDING BY STATE OF WYOMING.—Pursuant
5 to the Act of March 4, 1921 (41 Stat. 1404, chapter 161;
6 43 U.S.C. 395), and as a condition of providing any addi-
7 tional storage under subsection (a), the State of Wyoming
8 shall provide to the Secretary of the Interior funds for any
9 work carried out under subsection (a).

10 “(d) OTHER CONTRACTING AUTHORITY.—

11 “(1) IN GENERAL.—The Secretary of the Inte-
12 rior may enter into contracts with the State of Wyo-
13 ming, on such terms and conditions as the Secretary
14 of the Interior and the State of Wyoming may agree,
15 for division of any additional active capacity made
16 available under subsection (a).

17 “(2) TERMS AND CONDITIONS.—Unless other-
18 wise agreed to by the Secretary of the Interior and
19 the State of Wyoming, a contract entered into under
20 paragraph (1) shall be subject to the terms and con-
21 ditions of Bureau of Reclamation Contract No. 14-
22 06-400-2474 and Bureau of Reclamation Contract
23 No. 14-06-400-6193.”.

1 **SEC. 2. SAVINGS PROVISIONS.**

2 Unless expressly provided in this Act, nothing in this
3 Act or an amendment made by this Act modifies, conflicts
4 with, preempts, or otherwise affects—

5 (1) the Act of December 31, 1928 (43 U.S.C.
6 617 et seq.) (commonly known as the “Boulder Can-
7 yon Project Act”);

8 (2) the Colorado River Compact of 1922, as ap-
9 proved by the Presidential Proclamation of June 25,
10 1929 (46 Stat. 3000);

11 (3) the Act of July 19, 1940 (43 U.S.C. 618
12 et seq.) (commonly known as the “Boulder Canyon
13 Project Adjustment Act”);

14 (4) the Treaty between the United States of
15 America and Mexico relating to the utilization of
16 waters of the Colorado and Tijuana Rivers and of
17 the Rio Grande, and supplementary protocol signed
18 November 14, 1944, signed at Washington February
19 3, 1944 (59 Stat. 1219);

20 (5) the Upper Colorado River Basin Compact
21 as consented to by the Act of April 6, 1949 (63
22 Stat. 31);

23 (6) the Act of April 11, 1956 (commonly known
24 as the “Colorado River Storage Project Act”) (43
25 U.S.C. 620 et seq.);

1 (7) the Colorado River Basin Project Act (Pub-
2 lic Law 90-537; 82 Stat. 885); or

3 (8) any State of Wyoming or other State water
4 law.

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