

113th CONGRESS

1st Session

H. R. 1963

To amend the Water Conservation and Utilization Act to authorize the development of non-Federal hydropower and issuance of leases of power privileges at projects constructed pursuant to the authority of the Water Conservation and Utilization Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 14, 2013

Mr. DAINES introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Water Conservation and Utilization Act to authorize the development of non-Federal hydropower and issuance of leases of power privileges at projects constructed pursuant to the authority of the Water Conservation and Utilization Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Bureau of Reclamation Conduit Hydropower Development Equity and Jobs Act'.

SEC. 2. AMENDMENT.

Section 9 of the Act entitled 'An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid semiarid areas of the United States', approved August 11, 1939 (16 U.S.C. 590z-7; commonly known as the 'Water Conservation and Utilization Act'), is amended--

(1) by striking 'In connection with' and inserting '(a) In connection with';

(2) by striking 'All right, title, and interest in the facilities provided for such municipal or miscellaneous water supplies or surplus power and the revenues derived therefrom shall be and remain in the United States.'; and

(3) by adding at the end the following:

'(b) The Secretary is authorized to enter into leases of power privileges for electric power generation in connection with any project constructed under this Act, and shall have authority in addition to and alternative to any authority in existing laws related to particular projects, including small conduit hydropower development, consistent with the terms of this Act, the Reclamation Project Act of 1939 (43 U.S.C. 485h), and other Federal reclamation laws.

'(c) When carrying out this section, the Secretary shall first offer the lease of power privilege to an irrigation district or water users association operating the applicable transferred conduit, or to the irrigation district or water users association receiving water from the applicable reserved conduit. The Secretary shall determine a reasonable timeframe for the irrigation district or water users association to accept or reject a lease of power privilege offer. If the irrigation district or water users

association elects not to accept a lease of power privilege offer under paragraph (1), the Secretary shall offer the lease of power privilege to other parties in accordance with this section.

`(d) The Bureau of Reclamation shall apply its categorical exclusion process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to small conduit hydropower development under this section, excluding siting of associated transmission facilities on Federal lands.

`(e) Nothing in this section shall obligate the Western Area Power Administration or the Bonneville Power Administration to purchase or market any of the power produced by the facilities covered under this section and none of the costs associated with production or delivery of such power shall be assigned to project purposes for inclusion in project rates.

`(f) Nothing in this section shall alter or impede the delivery and management of water by Bureau of Reclamation facilities, as water used for conduit hydropower generation shall be deemed incidental to use of water for the original project purposes. Lease of power privilege shall be made only when, in the judgment of the Secretary, the exercise of the lease will not be incompatible with the purposes of the project or division involved and shall not create any unmitigated financial or physical impacts to the project or division involved. The Secretary shall notify and consult with the irrigation district or legally organized water users association operating the transferred conduit in advance of offering the lease of power privilege and shall prescribe such terms and conditions necessary to adequately protect the planning, design, construction, operation, maintenance, and other interests of the United States and the project or division involved.

`(g) Nothing in this section shall alter or affect any agreements in effect on the date of the enactment of the Bureau of Reclamation Conduit Hydropower Development Equity and Jobs Act for the development of conduit hydropower projects or disposition of revenues.

`(h) In this section:

`(1) CONDUIT- The term `conduit' means any Bureau of Reclamation tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.

`(2) IRRIGATION DISTRICT- The term `irrigation district' means any irrigation, water conservation or conservancy, multi-county water conservation or conservancy district, or any separate public entity composed of two or more such districts and jointly exercising powers of its member districts.

`(3) RESERVED CONDUIT- The term `reserved conduit' means any conduit that is included in project works the care, operation, and maintenance of which has been reserved by the Secretary, through the Commissioner of the Bureau of Reclamation.

`(4) TRANSFERRED CONDUIT- The term `transferred conduit' means any conduit that is included in project works the care, operation, and maintenance of which has been transferred to a legally organized water users association or irrigation district.

`(5) SMALL CONDUIT HYDROPOWER- The term `small conduit hydropower' means a facility capable of producing 5 megawatts or less of electric capacity.'

END