

In the Senate of the United States,

October 13 (legislative day, October 2), 1998.

Resolved, That the bill from the House of Representatives (H.R. 3267) entitled “An Act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Salton Sea Reclamation Act of 1998”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents of*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—SALTON SEA FEASIBILITY STUDY

Sec. 101. Salton Sea Feasibility study authorization.

Sec. 102. Concurrent wildlife resources studies.

*Sec. 103. Salton Sea National Wildlife Refuge renamed as Sonny Bono Salton
Sea National Wildlife Refuge.*

*TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN
THE ALAMO RIVER AND NEW RIVER*

Sec. 201. Alamo River and New River irrigation drainage water.

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *The term “Committees” means the Commit-*
 4 *tee on Resources and the Committee on Transpor-*
 5 *tation and Infrastructure of the House of Representa-*
 6 *tives and the Committee on Energy and Natural Re-*
 7 *sources and the Committee on Environmental and*
 8 *Public Works of the Senate.*

9 (2) *The term “Salton Sea Authority” means the*
 10 *Joint Powers Authority by that name established*
 11 *under the laws of the State of California by a Joint*
 12 *Power Agreement signed on June 2, 1993.*

13 (3) *The term “Secretary” means the Secretary of*
 14 *the Interior, acting through the Bureau of Reclama-*
 15 *tion.*

16 **TITLE I—SALTON SEA**
 17 **FEASIBILITY STUDY**

18 **SEC. 101. SALTON SEA FEASIBILITY STUDY AUTHORIZA-**
 19 **TION.**

20 (a) *IN GENERAL.—No later than January 1, 2000, the*
 21 *Secretary, in accordance with this section, shall complete*
 22 *all feasibility studies and cost analyses for the options set*

1 *forth in subsection (b)(2)(A) necessary for Congress to fully*
2 *evaluate such options.*

3 *(b) FEASIBILITY STUDY.—*

4 *(1) IN GENERAL.—*

5 *(A) The Secretary shall complete all studies,*
6 *including, but not limited to environmental and*
7 *other reviews, of the feasibility and benefit-cost of*
8 *various options that permit the continued use of*
9 *the Salton Sea as a reservoir for irrigation*
10 *drainage and (i) reduce and stabilize the overall*
11 *salinity of the Salton Sea, (ii) stabilize the sur-*
12 *face elevation of the Salton Sea, (iii) reclaim, in*
13 *the long term, healthy fish and wildlife resources*
14 *and their habitats, and (iv) enhance the poten-*
15 *tial for recreational uses and economic develop-*
16 *ment of the Salton Sea.*

17 *(B) Based solely on whatever information is*
18 *available at the time of submission of the report,*
19 *the Secretary shall (i) identify any options he*
20 *deems economically feasible and cost effective,*
21 *(ii) identify any additional information nec-*
22 *essary to develop construction specifications, and*
23 *(iii) submit any recommendations, along with*
24 *the results of the study to the Committees no*
25 *later than January 1, 2000.*

1 (C)(i) *The Secretary shall carry out the fea-*
2 *sibility study in accordance with a memoran-*
3 *dum of understanding entered into by the Sec-*
4 *retary, the Salton Sea Authority, and the Gov-*
5 *ernor of California.*

6 (ii) *The memorandum of understanding*
7 *shall, at a minimum, establish criteria for eval-*
8 *uation and selection of options under subpara-*
9 *graph (2)(A), including criteria for determining*
10 *benefit and the magnitude and practicability of*
11 *costs of construction, operation, and mainte-*
12 *nance of each option evaluated.*

13 (2) *OPTIONS TO BE CONSIDERED.—Options con-*
14 *sidered in the feasibility study—*

15 (A) *shall consist of, but need not be limited*
16 *to—*

17 (i) *use of impoundments to segregate a*
18 *portion of the waters of the Salton Sea in*
19 *one or more evaporation ponds located in*
20 *the Salton Sea basin;*

21 (ii) *pumping water out of the Salton*
22 *Sea;*

23 (iii) *augmented flows of water into the*
24 *Salton Sea;*

1 (iv) a combination of the options re-
2 ferred to in clauses (i), (ii), and (iii); and

3 (v) any other economically feasible re-
4 mediation option the Secretary considers
5 appropriate and for which feasibility analy-
6 ses and cost estimates can be completed by
7 January 1, 2000;

8 (B) shall be limited to proven technologies;

9 and

10 (C) shall not include any option that—

11 (i) relies on the importation of any
12 new or additional water from the Colorado
13 River; or

14 (ii) is inconsistent with the provisions
15 of subsection (c).

16 (3) ASSUMPTIONS.—In evaluating options, the
17 Secretary shall apply assumptions regarding water
18 inflows into the Salton Sea Basin that encourage
19 water conservation, account for transfers of water out
20 of the Salton Sea Basin, and are based on a maxi-
21 mum likely reduction in inflows into the Salton Sea
22 Basin which could be 800,000 acre-feet or less per
23 year.

24 (4) CONSIDERATION OF COSTS.—In evaluating
25 the feasibility of options, the Secretary shall consider

1 *the ability of Federal, tribal, State and local govern-*
2 *ment sources and private sources to fund capital con-*
3 *struction costs and annual operation, maintenance,*
4 *energy, and replacement costs and shall set forth the*
5 *basis for any cost sharing allocations as well as an-*
6 *ticipated repayment, if any, of Federal contributions.*

7 *(c) RELATIONSHIP TO OTHER LAW.—*

8 *(1) RECLAMATION LAWS.—Activities authorized*
9 *by this Act shall not be subject to the Act of June 17,*
10 *1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), and Acts*
11 *amendatory thereof and supplemental thereto.*
12 *Amounts expended for those activities shall be consid-*
13 *ered nonreimbursable for purposes of those laws and*
14 *shall not be considered to be a supplemental or addi-*
15 *tional benefit for purposes of the Reclamation Reform*
16 *Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).*

17 *(2) PRESERVATION OF RIGHTS AND OBLIGATIONS*
18 *WITH RESPECT TO THE COLORADO RIVER.—This Act*
19 *shall not be considered to supersede or otherwise affect*
20 *any treaty, law, decree, contract, or agreement gov-*
21 *erning use of water from the Colorado River. All ac-*
22 *tivities taken under this Act must be carried out in*
23 *a manner consistent with rights and obligations of*
24 *persons under those treaties, laws, decrees, contracts,*
25 *and agreements.*

1 **SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.**

2 (a) *IN GENERAL.*—*The Secretary shall provide for the*
3 *conduct, concurrently with the feasibility study under sec-*
4 *tion 101(b), of studies of hydrology, wildlife pathology, and*
5 *toxicology relating to wildlife resources of the Salton Sea*
6 *by Federal and non-Federal entities.*

7 (b) *SELECTION OF TOPICS AND MANAGEMENT OF*
8 *STUDIES.*—

9 (1) *IN GENERAL.*—*The Secretary shall establish*
10 *a committee to be known as the “Salton Sea Research*
11 *Management Committee”. The committee shall select*
12 *the topics of studies under this section and manage*
13 *those studies.*

14 (2) *MEMBERSHIP.*—*The committee shall consist*
15 *of the following five members:*

16 (A) *The Secretary.*

17 (B) *The Governor of California.*

18 (C) *The Executive Director of the Salton*
19 *Sea Authority.*

20 (D) *The Chairman of the Torres Martinez*
21 *Desert Cahuilla Tribal Government.*

22 (E) *The Director of the California Water*
23 *Resources Center.*

24 (c) *COORDINATION.*—*The Secretary shall require that*
25 *studies under this section are coordinated through the*
26 *Science Subcommittee which reports to the Salton Sea Re-*

1 *search Management Committee. In addition to the member-*
2 *ship provided for by the Science Subcommittee's charter,*
3 *representatives shall be invited from the University of Cali-*
4 *fornia, Riverside; the University of Redlands; San Diego*
5 *State University; the Imperial Valley College; and Los Ala-*
6 *mos National Laboratory.*

7 (d) *PEER REVIEW.—The Secretary shall require that*
8 *studies under this section are subjected to peer review.*

9 (e) *AUTHORIZATION OF APPROPRIATIONS.—For wild-*
10 *life resources studies under this section there are authorized*
11 *to be appropriated to the Secretary, through accounts with-*
12 *in the Fish and Wildlife Service Exclusively, \$5,000,000.*

13 (f) *ADVISORY COMMITTEE ACT.—The committee, and*
14 *its activities, are not subject to the Federal Advisory Com-*
15 *mission Act (5 U.S.C. app.).*

16 **SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RE-**
17 **NAMED AS SONNY BONO SALTON SEA NA-**
18 **TIONAL WILDLIFE REFUGE.**

19 (a) *REFUGE RENAMED.—The Salton Sea National*
20 *Wildlife Refuge, located in Imperial County, California, is*
21 *hereby renamed and shall be known as the “Sonny Bono*
22 *Salton Sea National Wildlife Refuge”.*

23 (b) *REFERENCES.—Any reference in any statute, rule,*
24 *regulation, executive order, publication, map, or paper or*
25 *other document of the United States to the Salton Sea Na-*

1 *tional Wildlife Refuge is deemed to refer to the Sonny Bono*
2 *Salton Sea National Wildlife Refuge.*

3 **TITLE II—EMERGENCY ACTION**
4 **TO IMPROVE WATER QUALITY**
5 **IN THE ALAMO RIVER AND**
6 **NEW RIVER**

7 **SEC. 201. ALAMO RIVER AND NEW RIVER IRRIGATION**
8 **DRAINAGE WATER.**

9 *(a) RIVER ENHANCEMENT.—*

10 *(1) IN GENERAL.—The Secretary is authorized*
11 *and directed to promptly conduct research and con-*
12 *struct river reclamation and wetlands projects to im-*
13 *prove water quality in the Alamo River and New*
14 *River, Imperial County, California, by treating water*
15 *in those rivers and irrigation drainage water that*
16 *flows into those rivers.*

17 *(2) ACQUISITIONS.—The Secretary may acquire*
18 *equipment, real property from willing sellers, and in-*
19 *terests in real property (including site access) from*
20 *willing sellers as needed to implement actions under*
21 *this section if the State of California, a political sub-*
22 *division of the State, or Desert Wildlife Unlimited*
23 *has entered into an agreement with the Secretary*
24 *under which the State, subdivision, or Desert Wildlife*
25 *Unlimited, respectively, will, effective 1 year after the*

1 *date that systems for which the acquisitions are made*
2 *are operational and functional—*

3 *(A) accept all right, title, and interest in*
4 *and to the equipment, property, or interests; and*

5 *(B) assume responsibility for operation and*
6 *maintenance of the equipment, property, or in-*
7 *terests.*

8 *(3) TRANSFER OF TITLE.—Not later than 1 year*
9 *after the date a system developed under this section*
10 *is operational and functional, the Secretary shall*
11 *transfer all right, title, and interest of the United*
12 *States in and to all equipment, property, and inter-*
13 *ests acquired for the system in accordance with the*
14 *applicable agreement under paragraph (2).*

15 *(4) MONITORING AND OTHER ACTIONS.—The*
16 *Secretary shall establish a long-term monitoring pro-*
17 *gram to maximize the effectiveness of any wetlands*
18 *developed under this title and may implement other*
19 *actions to improve the efficacy of actions implemented*
20 *pursuant to this section.*

21 *(b) COOPERATION.—The Secretary shall implement*
22 *subsection (a) in cooperation with the Desert Wildlife Un-*
23 *limited, the Imperial Irrigation District, California, and*
24 *other interested persons.*

1 (c) *FEDERAL WATER POLLUTION CONTROL.*—Water
2 *withdrawn solely for the purpose of a wetlands project to*
3 *improve water quality under subsection (a)(1), when re-*
4 *turned to the Alamo River or New River, shall not be re-*
5 *quired to meet water quality standards under the Federal*
6 *Water Pollution Control Act (33 U.S.C. 1251 et seq.).*

7 (d) *AUTHORIZATION OF APPROPRIATIONS.*—For river
8 *reclamation and other irrigation drainage water treatment*
9 *actions under this section, there are authorized to be appro-*
10 *priated to the Secretary \$3,000,000.*

Amend the title so as to read: “An Act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to complete a feasibility study relating to the Salton Sea, and for other purposes.”.

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 3267

AMENDMENTS