

Union Calendar No. 348

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3267**

[Report No. 105-621, Part I]

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## **A BILL**

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.

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JULY 14, 1998

Reported with an amendment and referred to the Committee on Transportation and Infrastructure for a period ending not later than July 14, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X

JULY 14, 1998

Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1998

Mr. HUNTER (for himself, Mr. LEWIS of California, Mr. CALVERT, and Mr. BROWN of California) introduced the following bill; which was referred to the Committee on Resources

JULY 14, 1998

Reported with an amendment and referred to the Committee on Transportation and Infrastructure for a period ending not later than July 14, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 14, 1998

Additional sponsors: Mr. GINGRICH, Mr. DREIER, Mr. RIGGS, Mr. NETHERCUTT, Mr. BILBRAY, Mr. MCKEON, Mr. FRANK of Massachusetts, Mrs. TAUSCHER, Mr. CUNNINGHAM, Mr. PACKARD, Mr. ENGLISH of Pennsylvania, Mr. WOLF, Mr. EWING, Mr. JENKINS, Mr. FALCONE, Mr. KING, Mr. NEY, Mrs. BONO, Mr. MARTINEZ, Ms. PRYCE of Ohio, Mr. BOEHNER, Mr. TAUZIN, Mr. EHRLICH, Mr. POMBO, Mr. BURTON of Indiana, Mr. KLUG, Mr. QUINN, Mr. MCHUGH, Mr. RADANOVICH, Mr. BUYER, Mr. SPENCE, Mr. WATTS of Oklahoma, and Mr. SAXTON

JULY 14, 1998

Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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# A BILL

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.

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. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Sonny Bono Memorial Salton Sea Reclamation Act”.*

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Findings.*

*Sec. 3. Definitions.*

## *TITLE I—SALTON SEA RECLAMATION PROJECT*

*Sec. 101. Salton Sea Reclamation Project authorization.*

*Sec. 102. Concurrent wildlife resources studies.*

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

*Sec. 104. Relationship to other laws and agreements governing the Colorado  
 River.*

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

*Sec. 201. Alamo River and New River irrigation drain water.*

8 **SEC. 2. FINDINGS.**

9       *The Congress finds the following:*

1           (1) *The Salton Sea, located in Imperial and*  
2 *Riverside Counties, California, is an economic and*  
3 *environmental resource of national importance.*

4           (2) *The Salton Sea is critical as—*

5                 (A) *a reservoir for irrigation, municipal,*  
6 *and stormwater drainage; and*

7                 (B) *a component of the Pacific flyway.*

8           (3) *Reclaiming the Salton Sea will provide na-*  
9 *tional and international benefits.*

10           (4) *The Federal, State, and local governments*  
11 *have a shared responsibility to assist in the reclama-*  
12 *tion of the Salton Sea.*

13 **SEC. 3. DEFINITIONS.**

14 *In this Act:*

15           (1) *The term “Project” means the Salton Sea*  
16 *reclamation project authorized by section 101.*

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

21           (3) *The term “Secretary” means the Secretary of*  
22 *the Interior, acting through the Bureau of Reclama-*  
23 *tion.*

1                   **TITLE I—SALTON SEA**  
2                   **RECLAMATION PROJECT**

3 **SEC. 101. SALTON SEA RECLAMATION PROJECT AUTHOR-**  
4                   **IZATION.**

5           (a) *IN GENERAL.*—*The Secretary, in accordance with*  
6 *this section, shall undertake a project to reclaim the Salton*  
7 *Sea, California.*

8           (b) *PROJECT REQUIREMENTS.*—*The Project shall—*

9                   (1) *reduce and stabilize the overall salinity of the*  
10 *Salton Sea;*

11                   (2) *stabilize the surface elevation of the Salton*  
12 *Sea;*

13                   (3) *reclaim, in the long term, healthy fish and*  
14 *wildlife resources and their habitats;*

15                   (4) *enhance the potential for recreational uses*  
16 *and economic development of the Salton Sea; and*

17                   (5) *ensure the continued use of the Salton Sea as*  
18 *a reservoir for irrigation drainage.*

19           (c) *FEASIBILITY STUDY.*—

20                   (1) *IN GENERAL.*—(A) *The Secretary shall*  
21 *promptly initiate a study of the feasibility of various*  
22 *options for meeting the requirements set forth in sub-*  
23 *section (b). The purpose of the study shall be to select*  
24 *1 or more practicable and cost-effective options and to*

1       *develop a reclamation plan for the Salton Sea that*  
2       *implements the selected options.*

3               *(B)(i) The Secretary shall carry out the feasibil-*  
4       *ity study in accordance with a memorandum of un-*  
5       *derstanding entered into by the Secretary, the Salton*  
6       *Sea Authority, and the Governor of California.*

7               *(ii) The memorandum of understanding shall, at*  
8       *a minimum, establish criteria for evaluation and se-*  
9       *lection of options under subparagraph (A), including*  
10       *criteria for determining the magnitude and prac-*  
11       *ticability of costs of construction, operation, and*  
12       *maintenance of each option evaluated.*

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

15                       *(A) shall consist of—*

16                               *(i) use of impoundments to segregate a*  
17                               *portion of the waters of the Salton Sea in*  
18                               *1 or more evaporation ponds located in the*  
19                               *Salton Sea basin;*

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

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

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

1                   (v) any other economically feasible re-  
2                   mediation option the Secretary considers  
3                   appropriate;

4                   (B) shall be limited to proven technologies;

5                   and

6                   (C) shall not include any option that—

7                               (i) develops or promotes an ongoing re-  
8                               liance on Colorado River water; or

9                               (ii) is inconsistent with section 104 (b)  
10                              or (c).

11                   (3) *PROJECT DESIGN CALCULATIONS.*—In mak-  
12                   ing Project design calculations, the Secretary shall  
13                   apply assumptions regarding water inflows into the  
14                   Salton Sea Basin that—

15                               (A) encourage water conservation;

16                               (B) account for transfers of water out of the  
17                   Salton Sea Basin;

18                               (C) are based on the maximum likely reduc-  
19                               tion in inflows into the Salton Sea Basin; and

20                               (D) include the assumption that inflows  
21                               into the Salton Sea Basin could be reduced to  
22                               800,000 acre-feet or less per year.

23                   (4) *CONSIDERATION OF COSTS.*—In evaluating  
24                   the feasibility of options, the Secretary shall consider  
25                   the ability of Federal, tribal, State and local govern-

1 *ment sources and private sources to fund capital con-*  
2 *struction costs and annual operation, maintenance,*  
3 *energy, and replacement costs. In that consideration,*  
4 *the Secretary may apply a cost sharing formula to*  
5 *annual operation, maintenance, energy, and replace-*  
6 *ment costs that is different than the formula that ap-*  
7 *plies to construction costs under subsection (e).*

8 (5) *REPORT AND PLAN.—Not later than 18*  
9 *months after commencement of the feasibility study*  
10 *under this subsection, the Secretary shall—*

11 (A) *submit to the Committee on Resources*  
12 *of the House of Representatives and the Commit-*  
13 *tee on Energy and Natural Resources of the Sen-*  
14 *ate a report on the findings and recommenda-*  
15 *tions of the feasibility study, including—*

16 (i) *the reclamation plan for the Salton*  
17 *Sea pursuant to paragraph (1), including a*  
18 *cost sharing formula for operation and*  
19 *maintenance; and*

20 (ii) *complete specifications of the con-*  
21 *struction activities to be carried out under*  
22 *subsection (e), that are sufficient to use for*  
23 *soliciting bids for those activities, including*  
24 *professional engineering and design speci-*

1                    *fications and drawings and professional en-*  
2                    *gineer cost estimates; and*

3                    *(B) complete all environmental compliance*  
4                    *and permitting activities required for those con-*  
5                    *struction activities.*

6            *(d) CONGRESSIONAL REVIEW AND REVISION OF*  
7            *PLAN.—*

8                    *(1) REVIEW.—After receipt of the report of the*  
9                    *Secretary under subsection (c)(5), each of the Com-*  
10                   *mittees shall—*

11                   *(A) approve or disapprove the reclamation*  
12                   *plan included in the report;*

13                   *(B) amend such plan and approve it, as*  
14                   *amended; or*

15                   *(C) return the plan to the Secretary with*  
16                   *such recommended changes as the committee con-*  
17                   *siders appropriate.*

18                   *(2) REVISION.—After receipt of recommendations*  
19                   *under paragraph (1)(C) from a committee, the Sec-*  
20                   *retary shall revise and resubmit the reclamation plan*  
21                   *to the Committees.*

22            *(e) CONSTRUCTION.—*

23                   *(1) INITIATION.—Upon approval of a reclama-*  
24                   *tion plan by the Committees and subject to paragraph*

25                   *(2) of this subsection and the availability of appro-*

1        *priations, the Secretary shall initiate construction of*  
2        *the Project.*

3            (2) *COST SHARING.*—*The Federal share of the*  
4        *costs of construction of the Project shall not exceed 50*  
5        *percent of the total cost of that construction.*

6            (3) *COST SHARING AGREEMENT.*—*The Secretary*  
7        *may not initiate construction of the Project unless the*  
8        *Secretary, the Governor of California, and the Salton*  
9        *Sea Authority enter into an agreement that—*

10            (A) *adopts the cost sharing formula for an-*  
11        *ual operation, maintenance, energy, and re-*  
12        *placement costs that is included in the reclama-*  
13        *tion plan approved by the Committees under*  
14        *subsection (d); and*

15            (B) *implements the cost sharing require-*  
16        *ment under paragraph (2) of this subsection for*  
17        *construction costs.*

18            (4) *LIMITATION ON EXPENDITURE OF FEDERAL*  
19        *FUNDS.*—*No Federal funds may be expended for any*  
20        *construction activity under the Project unless there*  
21        *are available to the Secretary from non-Federal*  
22        *sources amounts sufficient to pay the non-Federal*  
23        *share of the cost of the activity.*

24            (f) *RELATIONSHIP TO OTHER LAW.*—

1           (1) *RECLAMATION LAWS.*—Activities authorized  
2           by this Act or any other law to implement the Project  
3           shall not be subject to the Act of June 17, 1902 (32  
4           Stat. 388; 43 U.S.C. 391 et seq.), and Acts amend-  
5           atory thereof and supplemental thereto. Amounts ex-  
6           pended for those activities shall be considered non-  
7           reimbursable for purposes of those laws. Activities  
8           carried out to implement the Project and the results  
9           of those activities shall not be considered to be a sup-  
10          plemental or additional benefit for purposes of the  
11          Reclamation Reform Act of 1982 (96 Stat. 1263; 43  
12          U.S.C. 390aa et seq.).

13           (2) *PRESERVATION OF RIGHTS AND OBLIGATIONS*  
14          *WITH RESPECT TO THE COLORADO RIVER.*—This Act  
15          shall not be considered to supersede or otherwise affect  
16          any treaty, law, or agreement governing use of water  
17          from the Colorado River. All activities to implement  
18          the Project under this Act must be carried out in a  
19          manner consistent with rights and obligations of per-  
20          sons under those treaties, laws, and agreements.

21           (3) *JUDICIAL REVIEW.*—Any complaint or chal-  
22          lenge of any decision, action, or authorization taken  
23          pursuant to this Act shall be filed in a United States  
24          district court within 30 days following the date of the  
25          decision, action, or the authorization. Such court

1     *shall have jurisdiction to resolve any complaint or*  
2     *challenge in accordance with chapter 7 of title 5,*  
3     *United States Code, except that the court shall expe-*  
4     *dite its review as necessary to ensure that remedial*  
5     *actions at the Salton Sea are not unduly or inappro-*  
6     *propriately delayed. In connection with expediting judi-*  
7     *cial review, the court shall not delay ruling upon a*  
8     *request for a temporary restraining order or prelimi-*  
9     *nary injunction for more than 30 days after the date*  
10    *of the filing of such request. If a temporary restrain-*  
11    *ing order or preliminary injunction is entered into by*  
12    *a court, the court shall proceed to a final judgment*  
13    *in the matter within 90 days thereafter.*

14           (4) *LIMITATION ON LIABILITY.—(A) In regard to*  
15    *any actions, programs, or projects implemented by*  
16    *the Secretary under the authority of this Act, the Im-*  
17    *perial Irrigation District and Coachella Valley Water*  
18    *District shall not be liable for any damages arising*  
19    *from—*

20                   (i) *enlargement of the Salton Sea and the*  
21                   *encroachment of water onto adjacent lands;*

22                   (ii) *reduction of the elevation of the Salton*  
23                   *Sea, including exposure of lakebed sediments to*  
24                   *the environment; or*

1           (iii) any other occurrence which might re-  
2           sult in a claim of damage by any owner of prop-  
3           erty adjacent to the Salton Sea or any other per-  
4           son.

5           (B) No person, including the Imperial Irrigation  
6           District, California, the Coachella Valley Water Dis-  
7           trict, California, the Salton Sea Authority, the Metro-  
8           politan Water District of Southern California, and  
9           the San Diego County Water Authority, but not in-  
10          cluding the Government of the United States, shall be  
11          liable for damages arising from any effects to the  
12          Salton Sea or its bordering area resulting from—

13                 (i) cooperation with the Secretary in regard  
14                 to any actions, programs, or projects imple-  
15                 mented pursuant to this Act;

16                 (ii) any action to comply with an order of  
17                 the Secretary under this Act, a State or Federal  
18                 court, or a State or Federal administrative or  
19                 regulatory agency interpreting this Act; or

20                 (iii) any other action that reduces the vol-  
21                 ume of water that flows directly or indirectly  
22                 into the Salton Sea.

23           (C) This title shall not be construed to exempt  
24           any person, including the Imperial Irrigation Dis-  
25           trict, California, the Coachella Valley Water District,

1 *California, the Salton Sea Authority, the Metropoli-*  
2 *tan Water District of Southern California, and the*  
3 *San Diego County Water Authority, from—*

4 *(i) any requirements established under the*  
5 *California Environmental Quality Act or the*  
6 *National Environmental Policy Act of 1969 (42*  
7 *U.S.C. 4321 et seq.); or*

8 *(ii) any obligations otherwise imposed by*  
9 *law.*

10 *(D) The limitation on liability of the United*  
11 *States contained in section 3 of the Act entitled “An*  
12 *Act For the control of floods on the Mississippi River*  
13 *and its tributaries, and for other purposes”, approved*  
14 *May 15, 1928 (chapter 569; 33 U.S.C. 702c), shall*  
15 *not apply to surplus flood flows that are diverted to*  
16 *the Salton Sea pursuant to this Act.*

17 *(g) COMMITTEES DEFINED.—In this section, the term*  
18 *“Committees” means the Committee on Resources of the*  
19 *House of Representatives and the Committee on Energy and*  
20 *Natural Resources of the Senate.*

21 *(h) AUTHORIZATION OF APPROPRIATIONS.—*

22 *(1) IN GENERAL.—There are authorized to be ap-*  
23 *propriated to carry out the Project the following:*

24 *(A) For the feasibility study under sub-*  
25 *section (c), including preparation and any revi-*

1            *sion of the reclamation plan under subsections*  
2            *(c) and (d), and completion of environmental*  
3            *compliance and permitting required for con-*  
4            *struction of the Project, \$22,500,000.*

5            *(B) For construction of the Project in ac-*  
6            *cordance with a reclamation plan approved by*  
7            *the Committees, \$350,000,000.*

8            *(2) ALLOCATION OF APPROPRIATIONS.—Amounts*  
9            *authorized under paragraph (1)(B) may be appro-*  
10           *priated to the Administrator of the Environmental*  
11           *Protection Agency or the Secretary of the Interior (or*  
12           *any combination thereof).*

13           *(3) APPROPRIATIONS TO THE ADMINISTRATOR OF*  
14           *THE ENVIRONMENTAL PROTECTION AGENCY.—*  
15           *Amounts appropriated under paragraph (1)(B) to the*  
16           *Administrator of the Environmental Protection Agen-*  
17           *cy shall be directly available to the Secretary.*

18           *(4) APPROPRIATIONS TO THE SECRETARY OF*  
19           *THE INTERIOR.—Amounts appropriated under para-*  
20           *graph (1)(B) to the Secretary may be—*

21           *(A) derived from the land and water con-*  
22           *servation fund;*

23           *(B) appropriated to the Bureau of Reclama-*  
24           *tion; or*

1                   (C) any combination of subparagraphs (A)  
2                   and (B);  
3                   as specified in appropriations Acts.

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

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

10          (b) *SELECTION OF TOPICS AND MANAGEMENT OF*  
11 *STUDIES.*—

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

17               (2) *MEMBERSHIP.*—*The committee shall consist*  
18 *of the following 5 members:*

19                       (A) *The Secretary.*

20                       (B) *The Governor of California.*

21                       (C) *The Executive Director of the Salton*  
22 *Sea Authority.*

23                       (D) *The Chairman of the Torres Martinez*  
24 *Desert Cahuilla Tribal Government.*

1                   (E) *The Director of the California Water*  
2                   *Resources Center.*

3           (c) *COORDINATION.*—*The Secretary shall require that*  
4 *studies under this section are coordinated through the*  
5 *Science Subcommittee which reports to the Salton Sea Re-*  
6 *search Management Committee. In addition to the member-*  
7 *ship provided for by the Science Subcommittee’s charter,*  
8 *representatives shall be invited from the University of Cali-*  
9 *ornia, Riverside; the University of Redlands; San Diego*  
10 *State University; the Imperial Valley College; and Los Ala-*  
11 *mos National Laboratory.*

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

14           (e) *AUTHORIZATION OF APPROPRIATIONS.*—*For wild-*  
15 *life resources studies under this section there are authorized*  
16 *to be appropriated to the Secretary from the land and water*  
17 *conservation fund \$5,000,000.*

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

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

1           (b) *REFERENCES.*—Any reference in any statute, rule,  
2 *regulation, executive order, publication, map, or paper or*  
3 *other document of the United States to the Salton Sea Na-*  
4 *tional Wildlife Refuge is deemed to refer to the Sonny Bono*  
5 *Salton Sea National Wildlife Refuge.*

6 **SEC. 104. RELATIONSHIP TO OTHER LAWS AND AGREE-**  
7 **MENTS GOVERNING THE COLORADO RIVER.**

8           (a) *PRESERVATION OF RIGHTS AND OBLIGATIONS*  
9 *WITH RESPECT TO THE COLORADO RIVER.*—Nothing in  
10 *this Act shall be construed to alter, amend, repeal, modify,*  
11 *interpret, or to be in conflict with the provisions of the Colo-*  
12 *rado River Compact (45 Stat. 1057), the Upper Colorado*  
13 *River Basin Compact (63 Stat. 31), the Water Treaty of*  
14 *1944 with Mexico (Treaty Series 944, 59 Stat. 1219 and*  
15 *Minute 242 thereunder), the Colorado River Basin Salinity*  
16 *Control Act of 1974 (94 Stat. 1063), the Flood Control Act*  
17 *of 1944 (58 Stat. 887), the decree entered by the United*  
18 *States Supreme Court in Arizona v. California, et al. (376*  
19 *U.S. 340) (1964) and decrees supplemental thereto, the*  
20 *Boulder Canyon Project Act (45 Stat. 1057), the Boulder*  
21 *Canyon Project Adjustment Act (45 Stat. 774), the Colorado*  
22 *River Storage Project Act (70 Stat. 105), the Colorado*  
23 *River Basin Project Act (82 Stat. 885), including the Cri-*  
24 *teria for Coordinated Long Range Operation of Colorado*  
25 *River Reservoirs and the Annual Operating Plans devel-*

1 *oped thereunder, the San Luis Rey Indian Water Rights*  
2 *Settlement Act (102 Stat. 4000), any contract entered into*  
3 *pursuant to section 5 of the Boulder Canyon Project Act,*  
4 *or any other entitlement to the use of the Colorado River*  
5 *existing pursuant to or recognized by Federal law. Further-*  
6 *more, nothing contained in this Act shall be construed as*  
7 *indicating an intent on the part of the Congress to change*  
8 *the existing relationship of Federal law to the laws of the*  
9 *States or political subdivisions of a State with regard to*  
10 *the diversion and use of Colorado River water, or to relieve*  
11 *any person of any obligation imposed by any law of any*  
12 *State, tribe, or political subdivision of a State. No provision*  
13 *of this Act shall be construed to invalidate any provision*  
14 *of State, tribal, or local law unless there is a direct conflict*  
15 *between such provision and the law of the State, or political*  
16 *subdivision of the State or tribe, so that the two cannot be*  
17 *reconciled or consistently stand together.*

18       **(b) LIMITATION ON COLORADO RIVER WATER.**—*Noth-*  
19 *ing in this Act shall be construed to enlarge an existing*  
20 *entitlement or to create a new entitlement to Colorado River*  
21 *water for California or any user therein.*

22       **(c) FLOOD FLOWS.**—*In no event shall Colorado River*  
23 *water be diverted for Salton Sea restoration except as pro-*  
24 *vided in this subsection. Diversion into the All-American*  
25 *Canal for delivery directly to the Salton Sea of flood flows*

1 *in the Colorado River that are required by the Water Con-*  
 2 *trol Manual for Flood Control, Hoover Dam and Lake*  
 3 *Mead, Colorado River, Nevada-Arizona, adopted February*  
 4 *8, 1984, and which would pass to Mexico in excess of the*  
 5 *amount required to be delivered pursuant to the Mexican*  
 6 *Water Treaty and Minute 242 thereunder may be made*  
 7 *available to carry out the purposes of this Act. The volume*  
 8 *of water diverted pursuant to this subsection shall be lim-*  
 9 *ited to the excess capacity of the All-American Canal to*  
 10 *carry such flood flows after, and as, it has been used to*  
 11 *meet existing obligations. The diversion of water from time*  
 12 *to time under this subsection shall not give rise to any ongo-*  
 13 *ing right to the recurrent use of such waters or the All*  
 14 *American Canal or facilities.*

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

19 **SEC. 201. ALAMO RIVER AND NEW RIVER IRRIGATION**  
 20 **DRAIN WATER.**

21 *(a) RIVER ENHANCEMENT.—*

22 *(1) IN GENERAL.—The Secretary shall promptly*  
 23 *conduct research and implement actions, which may*  
 24 *include river reclamation and wetlands development,*  
 25 *to create systems to improve water quality in the*

1 *Alamo River and New River, Imperial County, Cali-*  
2 *formia, by treating water in those rivers and irriga-*  
3 *tion drainage water that flows into those rivers.*

4 (2) *ACQUISITIONS.*—*The Secretary may acquire*  
5 *equipment, real property, and interests in real prop-*  
6 *erty (including site access) as needed to implement*  
7 *actions under this section if the State of California,*  
8 *a political subdivision of the State, or Desert Wildlife*  
9 *Unlimited has entered into an agreement with the*  
10 *Secretary under which the State, subdivision, or*  
11 *Desert Wildlife Unlimited, respectively, will, effective*  
12 *1 year after the date that systems for which the acqui-*  
13 *sitions are made are operational and functional—*

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

16 (B) *assume responsibility for operation and*  
17 *maintenance of the equipment, property, or in-*  
18 *terests.*

19 (3) *TRANSFER OF TITLE.*—*Not later than 1 year*  
20 *after the date a system developed under this section*  
21 *is operational and functional, the Secretary shall*  
22 *transfer all right, title, and interest of the United*  
23 *States in and to all equipment, property, and inter-*  
24 *ests acquired for the system in accordance with the*  
25 *applicable agreement under paragraph (2).*

1           (4) *MONITORING AND OTHER ACTIONS.*—*The*  
2           *Secretary shall establish a long-term monitoring pro-*  
3           *gram to maximize the effectiveness of any wetlands*  
4           *developed under this title and may implement other*  
5           *actions to improve the efficacy of actions implemented*  
6           *pursuant to this section.*

7           (b) *COOPERATION.*—*The Secretary shall implement*  
8           *subsection (a) in cooperation with the Desert Wildlife Un-*  
9           *limited, the Imperial Irrigation District, California, and*  
10          *other interested persons.*

11          (c) *PERMIT EXEMPTION.*—

12               (1) *CONGRESSIONAL INTENT.*—*Due to recent and*  
13               *ongoing wildlife die-offs and the impending collapse*  
14               *of the Salton Sea ecosystem, it is the intent of Con-*  
15               *gress to provide an expedited process to begin to ar-*  
16               *rest the ecological disaster that is overcoming the*  
17               *Salton Sea.*

18               (2) *EXEMPTION.*—*No permit shall be required*  
19               *under section 402 of the Federal Water Pollution Con-*  
20               *trol Act (33 U.S.C. 1342) for actions taken under sub-*  
21               *section (a)(1).*

22               (3) *LIMITATION.*—*This subsection shall not be*  
23               *construed to affect the application of section 402 of*  
24               *the Federal Water Pollution Control Act to any ac-*

1        *tion other than an action taken under subsection*  
2        *(a)(1).*

3        *(d) AUTHORIZATION OF APPROPRIATIONS.—For river*  
4        *reclamation and other irrigation drainage water treatment*  
5        *actions under this section, there are authorized to be appro-*  
6        *priated to the Secretary from the land and water conserva-*  
7        *tion fund \$3,000,000.*