AMENDMENT
TO RULES COMMITTEE PRINT 115–72
OFFERED BY MR. McCLINTOCK OF CALIFORNIA

Add at the end of title I the following:

SEC. ___. WATER SUPPLY PERMITTING COORDINATION.

(a) SHORT TITLE.—This section may be cited as the “Water Supply Permitting Coordination Act”.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term “Bureau” means the Bureau of Reclamation.

(2) COOPERATING AGENCIES.—The term “cooperating agency” means a Federal agency with jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a qualifying project under applicable Federal laws and regulations, or a State agency subject to subsection (e)(3).

(3) QUALIFYING PROJECTS.—The term “qualifying projects” means new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) constructed on lands adminis-
tered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding, unless the project applicant elects not to participate in the process authorized by this section. Such term shall also include State-led projects (as defined in section 4007(a)(2) of the WIIN Act) for new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) constructed on lands administered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding, unless the project applicant elects not to participate in the process authorized by this section.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(c) ESTABLISHMENT OF LEAD AGENCY AND CO-OPERATING AGENCIES.—

(1) ESTABLISHMENT OF LEAD AGENCY.—The Bureau is established as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, or other approvals or
decisions required under Federal law to construct qualifying projects.

(2) IDENTIFICATION AND ESTABLISHMENT OF COOPERATING AGENCIES.—The Commissioner of the Bureau shall—

(A) identify, as early as practicable upon receipt of an application for a qualifying project, any Federal agency that may have jurisdiction over a review, analysis, opinion, statement, permit, license, approval, or decision required for a qualifying project under applicable Federal laws and regulations; and

(B) notify any such agency, within a reasonable timeframe, that the agency has been designated as a cooperating agency in regards to the qualifying project unless that agency responds to the Bureau in writing, within a timeframe set forth by the Bureau, notifying the Bureau that the agency—

(i) has no jurisdiction or authority with respect to the qualifying project;

(ii) has no expertise or information relevant to the qualifying project or any review, analysis, opinion, statement, permit,
license, or other approval or decision associated therewith; or

(iii) does not intend to submit comments on the qualifying project or conduct any review of such a project or make any decision with respect to such project in a manner other than in cooperation with the Bureau.

(3) STATE AUTHORITY.—A State in which a qualifying project is being considered may choose, consistent with State law—

(A) to participate as a cooperating agency;

and

(B) to make subject to the processes of this section all State agencies that—

(i) have jurisdiction over the qualifying project;

(ii) are required to conduct or issue a review, analysis, or opinion for the qualifying project; or

(iii) are required to make a determination on issuing a permit, license, or approval for the qualifying project.

(d) BUREAU RESPONSIBILITIES.—
(1) IN GENERAL.—The principal responsibilities of the Bureau under this section are—

(A) to serve as the point of contact for applicants, State agencies, Indian tribes, and others regarding proposed qualifying projects;

(B) to coordinate preparation of unified environmental documentation that will serve as the basis for all Federal decisions necessary to authorize the use of Federal lands for qualifying projects; and

(C) to coordinate all Federal agency reviews necessary for project development and construction of qualifying projects.

(2) COORDINATION PROCESS.—The Bureau shall have the following coordination responsibilities:

(A) PREAPPLICATION COORDINATION.—Notify cooperating agencies of proposed qualifying projects not later than 30 days after receipt of a proposal and facilitate a preapplication meeting for prospective applicants, relevant Federal and State agencies, and Indian tribes—

(i) to explain applicable processes, data requirements, and applicant submissions necessary to complete the required
Federal agency reviews within the time-frame established; and

(ii) to establish the schedule for the qualifying project.

(B) Consultation with Cooperating Agencies.—Consult with the cooperating agencies throughout the Federal agency review process, identify and obtain relevant data in a timely manner, and set necessary deadlines for cooperating agencies.

(C) Schedule.—Work with the qualifying project applicant and cooperating agencies to establish a project schedule. In establishing the schedule, the Bureau shall consider, among other factors—

(i) the responsibilities of cooperating agencies under applicable laws and regulations;

(ii) the resources available to the cooperating agencies and the non-Federal qualifying project sponsor, as applicable;

(iii) the overall size and complexity of the qualifying project;

(iv) the overall schedule for and cost of the qualifying project; and
(v) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(D) ENVIRONMENTAL COMPLIANCE.—Prepare a unified environmental review document for each qualifying project application, incorporating a single environmental record on which all cooperating agencies with authority to issue approvals for a given qualifying project shall base project approval decisions. Help ensure that cooperating agencies make necessary decisions, within their respective authorities, regarding Federal approvals in accordance with the following timelines:

(i) Not later than 1 year after acceptance of a completed project application when an environmental assessment and finding of no significant impact is determined to be the appropriate level of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(ii) Not later than 1 year and 30 days after the close of the public comment period for a draft environmental impact statement under the National Environ-
mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), when an environmental impact statement is required under the same.

(E) CONSOLIDATED ADMINISTRATIVE RECORD.—Maintain a consolidated administrative record of the information assembled and used by the cooperating agencies as the basis for agency decisions.

(F) PROJECT DATA RECORDS.—To the extent practicable and consistent with Federal law, ensure that all project data is submitted and maintained in generally accessible electronic format, compile, and where authorized under existing law, make available such project data to cooperating agencies, the qualifying project applicant, and to the public.

(G) PROJECT MANAGER.—Appoint a project manager for each qualifying project. The project manager shall have authority to oversee the project and to facilitate the issuance of the relevant final authorizing documents, and shall be responsible for ensuring fulfillment of all Bureau responsibilities set forth in this section and all cooperating agency responsibilities under subsection (c).
(e) Cooperator Agency Responsibilities.—

(1) Adherence to Bureau Schedule.—

(A) Timeframes.—On notification of an application for a qualifying project, the head of each cooperating agency shall submit to the Bureau a timeframe under which the cooperating agency reasonably will be able to complete the authorizing responsibilities of the cooperating agency.

(B) Schedule.—

(i) Use of Timeframes.—The Bureau shall use the timeframes submitted under this subsection to establish the project schedule under subsection (d).

(ii) Adherence.—Each cooperating agency shall adhere to the project schedule established by the Bureau under clause (i).

(2) Environmental Record.—The head of each cooperating agency shall submit to the Bureau all environmental review material produced or compiled in the course of carrying out activities required under Federal law, consistent with the project schedule established by the Bureau under paragraph (1)(B).
(3) DATA SUBMISSION.—To the extent practicable and consistent with Federal law, the head of each cooperating agency shall submit all relevant project data to the Bureau in a generally accessible electronic format, subject to the project schedule established by the Bureau under paragraph (1)(B).

(f) FUNDING TO PROCESS PERMITS.—

(1) IN GENERAL.—The Secretary, after public notice in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a qualifying project.

(2) EFFECT ON PERMITTING.—

(A) EVALUATION OF PERMITS.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(i) be reviewed by the Regional Director of the Bureau of the region in which the qualifying project or activity is located (or a designee); and
(ii) use the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(B) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the head of each cooperating agency receiving funds under this section for a qualifying project shall ensure that the use of the funds accepted under this section for the qualifying project shall not—

(i) substantively or procedurally impact impartial decisionmaking with respect to the issuance of permits; or

(ii) diminish, modify, or otherwise affect the statutory or regulatory authorities of the cooperating agency.

(3) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under paragraph (2)(A)(i).

(4) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are
made available to the public, including on the Internet.