

**AMENDMENT**  
**TO RULES COMMITTEE PRINT 115-72**  
**OFFERED BY MR. MCCLINTOCK OF CALIFORNIA**

Add at the end of title I the following:

1 **SEC. \_\_\_\_ . WATER SUPPLY PERMITTING COORDINATION.**

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

4 (b) **DEFINITIONS.**—In this section:

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

7 (2) **COOPERATING AGENCIES.**—The term “co-  
8 operating agency” means a Federal agency with ju-  
9 risdiction over a review, analysis, opinion, statement,  
10 permit, license, or other approval or decision re-  
11 quired for a qualifying project under applicable Fed-  
12 eral laws and regulations, or a State agency subject  
13 to subsection (c)(3).

14 (3) **QUALIFYING PROJECTS.**—The term “quali-  
15 fying projects” means new surface water storage  
16 projects in the States covered under the Act of June  
17 17, 1902 (32 Stat. 388, chapter 1093), and Acts  
18 supplemental to and amendatory of that Act (43  
19 U.S.C. 371 et seq.) constructed on lands adminis-

1       tered by the Department of the Interior or the De-  
2       partment of Agriculture, exclusive of any easement,  
3       right-of-way, lease, or any private holding, unless the  
4       project applicant elects not to participate in the  
5       process authorized by this section. Such term shall  
6       also include State-led projects (as defined in section  
7       4007(a)(2) of the WIIN Act) for new surface water  
8       storage projects in the States covered under the Act  
9       of June 17, 1902 (32 Stat. 388, chapter 1093), and  
10      Acts supplemental to and amendatory of that Act  
11      (43 U.S.C. 371 et seq.) constructed on lands admin-  
12      istered by the Department of the Interior or the De-  
13      partment of Agriculture, exclusive of any easement,  
14      right-of-way, lease, or any private holding, unless the  
15      project applicant elects not to participate in the  
16      process authorized by this section.

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

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

21           (1) ESTABLISHMENT OF LEAD AGENCY.—The  
22      Bureau is established as the lead agency for pur-  
23      poses of coordinating all reviews, analyses, opinions,  
24      statements, permits, licenses, or other approvals or

1 decisions required under Federal law to construct  
2 qualifying projects.

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

6 (A) identify, as early as practicable upon  
7 receipt of an application for a qualifying  
8 project, any Federal agency that may have ju-  
9 risdiction over a review, analysis, opinion, state-  
10 ment, permit, license, approval, or decision re-  
11 quired for a qualifying project under applicable  
12 Federal laws and regulations; and

13 (B) notify any such agency, within a rea-  
14 sonable timeframe, that the agency has been  
15 designated as a cooperating agency in regards  
16 to the qualifying project unless that agency re-  
17 sponds to the Bureau in writing, within a time-  
18 frame set forth by the Bureau, notifying the  
19 Bureau that the agency—

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

22 (ii) has no expertise or information  
23 relevant to the qualifying project or any re-  
24 view, analysis, opinion, statement, permit,

1 license, or other approval or decision asso-  
2 ciated therewith; or

3 (iii) does not intend to submit com-  
4 ments on the qualifying project or conduct  
5 any review of such a project or make any  
6 decision with respect to such project in a  
7 manner other than in cooperation with the  
8 Bureau.

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

12 (A) to participate as a cooperating agency;  
13 and

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

16 (i) have jurisdiction over the quali-  
17 fying project;

18 (ii) are required to conduct or issue a  
19 review, analysis, or opinion for the quali-  
20 fying project; or

21 (iii) are required to make a deter-  
22 mination on issuing a permit, license, or  
23 approval for the qualifying project.

24 (d) BUREAU RESPONSIBILITIES.—

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

3           (A) to serve as the point of contact for ap-  
4 plicants, State agencies, Indian tribes, and oth-  
5 ers regarding proposed qualifying projects;

6           (B) to coordinate preparation of unified  
7 environmental documentation that will serve as  
8 the basis for all Federal decisions necessary to  
9 authorize the use of Federal lands for quali-  
10 fying projects; and

11           (C) to coordinate all Federal agency re-  
12 views necessary for project development and  
13 construction of qualifying projects.

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

16           (A) PREAPPLICATION COORDINATION.—  
17 Notify cooperating agencies of proposed quali-  
18 fying projects not later than 30 days after re-  
19 ceipt of a proposal and facilitate a  
20 preapplication meeting for prospective appli-  
21 cants, relevant Federal and State agencies, and  
22 Indian tribes—

23           (i) to explain applicable processes,  
24 data requirements, and applicant submis-  
25 sions necessary to complete the required

1 Federal agency reviews within the time-  
2 frame established; and

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

5 (B) CONSULTATION WITH COOPERATING  
6 AGENCIES.—Consult with the cooperating agen-  
7 cies throughout the Federal agency review proc-  
8 ess, identify and obtain relevant data in a time-  
9 ly manner, and set necessary deadlines for co-  
10 operating agencies.

11 (C) SCHEDULE.—Work with the qualifying  
12 project applicant and cooperating agencies to  
13 establish a project schedule. In establishing the  
14 schedule, the Bureau shall consider, among  
15 other factors—

16 (i) the responsibilities of cooperating  
17 agencies under applicable laws and regula-  
18 tions;

19 (ii) the resources available to the co-  
20 operating agencies and the non-Federal  
21 qualifying project sponsor, as applicable;

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

24 (iv) the overall schedule for and cost  
25 of the qualifying project; and

1 (v) the sensitivity of the natural and  
2 historic resources that may be affected by  
3 the qualifying project.

4 (D) ENVIRONMENTAL COMPLIANCE.—Pre-  
5 pare a unified environmental review document  
6 for each qualifying project application, incor-  
7 porating a single environmental record on which  
8 all cooperating agencies with authority to issue  
9 approvals for a given qualifying project shall  
10 base project approval decisions. Help ensure  
11 that cooperating agencies make necessary deci-  
12 sions, within their respective authorities, re-  
13 garding Federal approvals in accordance with  
14 the following timelines:

15 (i) Not later than 1 year after accept-  
16 ance of a completed project application  
17 when an environmental assessment and  
18 finding of no significant impact is deter-  
19 mined to be the appropriate level of review  
20 under the National Environmental Policy  
21 Act of 1969 (42 U.S.C. 4321 et seq.).

22 (ii) Not later than 1 year and 30 days  
23 after the close of the public comment pe-  
24 riod for a draft environmental impact  
25 statement under the National Environ-

1           mental Policy Act of 1969 (42 U.S.C.  
2           4321 et seq.), when an environmental im-  
3           pact statement is required under the same.

4           (E) CONSOLIDATED ADMINISTRATIVE  
5           RECORD.—Maintain a consolidated administra-  
6           tive record of the information assembled and  
7           used by the cooperating agencies as the basis  
8           for agency decisions.

9           (F) PROJECT DATA RECORDS.—To the ex-  
10          tent practicable and consistent with Federal  
11          law, ensure that all project data is submitted  
12          and maintained in generally accessible elec-  
13          tronic format, compile, and where authorized  
14          under existing law, make available such project  
15          data to cooperating agencies, the qualifying  
16          project applicant, and to the public.

17          (G) PROJECT MANAGER.—Appoint a  
18          project manager for each qualifying project.  
19          The project manager shall have authority to  
20          oversee the project and to facilitate the issuance  
21          of the relevant final authorizing documents, and  
22          shall be responsible for ensuring fulfillment of  
23          all Bureau responsibilities set forth in this sec-  
24          tion and all cooperating agency responsibilities  
25          under subsection (e).

1 (e) COOPERATING AGENCY RESPONSIBILITIES.—

2 (1) ADHERENCE TO BUREAU SCHEDULE.—

3 (A) TIMEFRAMES.—On notification of an  
4 application for a qualifying project, the head of  
5 each cooperating agency shall submit to the Bu-  
6 reau a timeframe under which the cooperating  
7 agency reasonably will be able to complete the  
8 authorizing responsibilities of the cooperating  
9 agency.

10 (B) SCHEDULE.—

11 (i) USE OF TIMEFRAMES.—The Bu-  
12 reau shall use the timeframes submitted  
13 under this subsection to establish the  
14 project schedule under subsection (d).

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

18 (2) ENVIRONMENTAL RECORD.—The head of  
19 each cooperating agency shall submit to the Bureau  
20 all environmental review material produced or com-  
21 piled in the course of carrying out activities required  
22 under Federal law, consistent with the project sched-  
23 ule established by the Bureau under paragraph  
24 (1)(B).

1           (3) DATA SUBMISSION.—To the extent prac-  
2           ticable and consistent with Federal law, the head of  
3           each cooperating agency shall submit all relevant  
4           project data to the Bureau in a generally accessible  
5           electronic format, subject to the project schedule es-  
6           tablished by the Bureau under paragraph (1)(B).

7           (f) FUNDING TO PROCESS PERMITS.—

8           (1) IN GENERAL.—The Secretary, after public  
9           notice in accordance with subchapter II of chapter  
10          5, and chapter 7, of title 5, United States Code  
11          (commonly known as the “Administrative Procedure  
12          Act”), may accept and expend funds contributed by  
13          a non-Federal public entity to expedite the evalua-  
14          tion of a permit of that entity related to a qualifying  
15          project.

16          (2) EFFECT ON PERMITTING.—

17                (A) EVALUATION OF PERMITS.—In car-  
18                rying out this section, the Secretary shall en-  
19                sure that the evaluation of permits carried out  
20                using funds accepted under this section shall—

21                        (i) be reviewed by the Regional Direc-  
22                        tor of the Bureau of the region in which  
23                        the qualifying project or activity is located  
24                        (or a designee); and

1                   (ii) use the same procedures for deci-  
2                   sions that would otherwise be required for  
3                   the evaluation of permits for similar  
4                   projects or activities not carried out using  
5                   funds authorized under this section.

6                   (B) IMPARTIAL DECISIONMAKING.—In car-  
7                   rying out this section, the Secretary and the  
8                   head of each cooperating agency receiving funds  
9                   under this section for a qualifying project shall  
10                  ensure that the use of the funds accepted under  
11                  this section for the qualifying project shall  
12                  not—

13                   (i) substantively or procedurally im-  
14                   pact impartial decisionmaking with respect  
15                   to the issuance of permits; or

16                   (ii) diminish, modify, or otherwise af-  
17                   fect the statutory or regulatory authorities  
18                   of the cooperating agency.

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

23                  (4) PUBLIC AVAILABILITY.—The Secretary  
24                  shall ensure that all final permit decisions carried  
25                  out using funds authorized under this section are

1       made available to the public, including on the Inter-  
2       net.

