

112TH CONGRESS
2^D SESSION

H. R. 2842

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2012

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To authorize all Bureau of Reclamation conduit facilities
for hydropower development under Federal Reclamation
law, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bureau of Reclamation
3 Small Conduit Hydropower Development and Rural Jobs
4 Act of 2012”.

5 **SEC. 2. AUTHORIZATION.**

6 Section 9(c) of the Reclamation Project Act of 1939
7 (43 U.S.C. 485h(c)) is amended—

8 (1) by striking “The Secretary is authorized to
9 enter into contracts to furnish water” and inserting
10 “(1) The Secretary is authorized to enter into con-
11 tracts to furnish water”;

12 (2) by striking “(1) shall” and inserting “(A)
13 shall”;

14 (3) by striking “(2) shall” and inserting “(B)
15 shall”;

16 (4) by striking “respecting the terms of sales of
17 electric power and leases of power privileges shall be
18 in addition and alternative to any authority in exist-
19 ing laws relating to particular projects” and insert-
20 ing “respecting the sales of electric power and leases
21 of power privileges shall be an authorization in addi-
22 tion to and alternative to any authority in existing
23 laws related to particular projects, including small
24 conduit hydropower development”; and

25 (5) by adding at the end the following:

1 “(2) When carrying out this subsection, the Secretary
2 shall first offer the lease of power privilege to an irrigation
3 district or water users association operating the applicable
4 transferred work, or to the irrigation district or water
5 users association receiving water from the applicable re-
6 served work. The Secretary shall determine a reasonable
7 time frame for the irrigation district or water users asso-
8 ciation to accept or reject a lease of power privilege offer.

9 “(3) The National Environmental Policy Act of 1969
10 (42 U.S.C. 4321 et seq.) shall not apply to small conduit
11 hydropower development, excluding siting of associated
12 transmission on Federal lands, under this subsection.

13 “(4) The Power Resources Office of the Bureau of
14 Reclamation shall be the lead office of small conduit hy-
15 dropower policy and procedure-setting activities conducted
16 under this subsection.

17 “(5) Nothing in this subsection shall obligate the
18 Western Area Power Administration, the Bonneville
19 Power Administration, or the Southwestern Power Admin-
20 istration to purchase or market any of the power produced
21 by the facilities covered under this subsection and none
22 of the costs associated with production or delivery of such
23 power shall be assigned to project purposes for inclusion
24 in project rates.

1 “(6) Nothing in this subsection shall alter or impede
2 the delivery and management of water by Bureau of Rec-
3 lamation facilities, as water used for conduit hydropower
4 generation shall be deemed incidental to use of water for
5 the original project purposes. Lease of power privilege
6 shall be made only when, in the judgment of the Secretary,
7 the exercise of the lease will not be incompatible with the
8 purposes of the project or division involved, nor shall it
9 create any unmitigated financial or physical impacts to the
10 project or division involved. The Secretary shall notify and
11 consult with the irrigation district or legally organized
12 water users association operating the transferred work in
13 advance of offering the lease of power privilege and shall
14 prescribe such terms and conditions that will adequately
15 protect the planning, design, construction, operation,
16 maintenance, and other interests of the United States and
17 the project or division involved.

18 “(7) Nothing in this subsection shall alter or affect
19 any existing agreements for the development of conduit
20 hydropower projects or disposition of revenues.

21 “(8) In this subsection:

22 “(A) CONDUIT.—The term ‘conduit’ means any
23 Bureau of Reclamation tunnel, canal, pipeline, aque-
24 duct, flume, ditch, or similar manmade water con-
25 veyance that is operated for the distribution of water

1 for agricultural, municipal, or industrial consump-
2 tion and not primarily for the generation of elec-
3 tricity.

4 “(B) IRRIGATION DISTRICT.—The term ‘irriga-
5 tion district’ means any irrigation, water conserva-
6 tion or conservancy district, multicounty water con-
7 servation or conservancy district, or any separate
8 public entity composed of two or more such districts
9 and jointly exercising powers of its member districts.

10 “(C) RESERVED WORK.—The term ‘reserved
11 work’ means any conduit that is included in project
12 works the care, operation, and maintenance of which
13 has been reserved by the Secretary, through the
14 Commissioner of the Bureau of Reclamation.

15 “(D) TRANSFERRED WORK.—The term ‘trans-
16 ferred work’ means any conduit that is included in
17 project works the care, operation, and maintenance
18 of which has been transferred to a legally organized
19 water users association or irrigation district.

20 “(E) SECRETARY.—The term ‘Secretary’ means
21 the Secretary of the Interior.

22 “(F) SMALL CONDUIT HYDROPOWER.—The
23 term ‘small conduit hydropower’ means a facility ca-

1 pable of producing 1.5 megawatts or less of electric
2 capacity.”.

Passed the House of Representatives March 7,
2012.

Attest:

KAREN L. HAAS,

Clerk.