change the duties and powers of the Upper Colorado River Commission.

(Pub. L. 90–537, title VI, § 603, Sept. 30, 1968, 82 Stat. 901.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 228h.

§ 1554. Federal reclamation laws

Except as otherwise provided in this chapter, in constructing, operating, and maintaining the units of the projects herein and hereafter authorized, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) to which laws this chapter shall be deemed a supplement.

(Pub. L. 90–537, title VI, § 604, Sept. 30, 1968, 82 Stat. 901.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act, which is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 228h.

§ 1555. Federal Power Act inapplicable to Colorado River between Hoover Dam and Glen Canyon Dam

Part I of the Federal Power Act [16 U.S.C. 791a et seq.] shall not be applicable to the reaches of the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam until and unless otherwise provided by Congress.

(Pub. L. 90–537, title VI, § 605, Sept. 30, 1968, 82 Stat. 901.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended. Part I of the Federal Power Act is classified generally to subchapter I (§ 791a et seq.) of chapter 12 of Title 16, Conservation. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 228h.

§ 1556. Definitions

As used in this chapter, (a) all terms which are defined in the Colorado River Compact shall have the meanings therein defined;

(b) ''Main stream'' means the main stream of the Colorado River downstream from Lee Ferry within the United States, including the reservoirs thereon;

(c) ''User'' or ''water user'' in relation to main stream water in the lower basin means the United States or any person or legal entity entitled under the decree of the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340), to use main stream water when available thereunder;

(d) ''Active storage'' means that amount of water in reservoir storage, exclusive of bank storage, which can be released through the existing reservoir outlet works;

(e) ''Colorado River Basin States'' means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(f) ''Western United States'' means those States lying wholly or in part west of the Continental Divide; and

(g) ''Augment'' or ''augmentation'', when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River system, which is in addition to the natural supply of the system.

(Pub. L. 90–537, title VI, § 606, Sept. 30, 1968, 82 Stat. 901.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 228h.

CHAPTER 32A—COLORADO RIVER BASIN SALINITY CONTROL

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 33 section 1329.

SUBCHAPTER I—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

§ 1571. Water quality improvement

(a) Authority to proceed with program

The Secretary of the Interior, hereinafter referred to as the ''Secretary'', is authorized and directed to proceed with a program of works of improvement for the enhancement and protection of the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to enable the United States to comply with its obligations under the agreement with Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico), concluded pursuant to the Treaty of February 3, 1944 (TS 994), in accordance with the provisions of this chapter.

(b) Desalting complexes and plants

(1) The Secretary is authorized to construct, operate, and maintain a desalting complex, including (1) a desalting plant to reduce the salinity of drain water from the Wellton-Mohawk division of the Gila project, Arizona (hereinafter referred to as the division), including a pretreatment plant for settling, softening, and filtration of the drain water to be desalted; (2) the necessary appurtenant works including the intake pumping plant system, product waterline, power transmission facilities, and permanent operating facilities; (3) the necessary extension in the United States and Mexico of the existing bypass drain to carry the reject stream from the desalting plant and other drainage waters to the Santa Clara Slough in Mexico, with the part in Mexico, subject to arrangements made pursuant to subsection (d) of this section; (4) replacement of the metal flume in the existing main outlet drain extension with a concrete siphon; (5) reduction of the quantity of irrigation return flows through acquisition of lands to reduce the size of the division, and irrigation efficiency improvements to minimize return flows; (6) acquire on behalf of the United States such lands or interest in lands in the Painted Rock Reservoir as may be necessary to operate the project in accordance with the obligations of Minute No. 242, and (7) all associated facilities including roads, railroad spur, and transmission lines.

(2)(A) The desalting plant shall be designed to treat approximately one hundred and twenty-nine million gallons a day of drain water using advanced technology commercially available. The plant shall effect recovery initially of not less than 70 per centum of the drain water as product water, and shall effect reduction of not less than 90 per centum of the dissolved solids in the feed water. The Secretary shall use sources of electric power supply for the desalting complex that will not diminish the supply of power to preference customers from Federal power systems operated by the Secretary.

(B) The Secretary is authorized to use electrical power and energy available from the Navajo Generating Station which is in excess of the Central Arizona Project pumping requirements for the purpose of supplying power and energy requirements of the desalting plant and protective pumping well field constructed pursuant to this subchapter: *Provided*, That revenues credited to the Lower Colorado River Basin Development Fund shall not be diminished below those amounts which would have accrued had the power been marketed at the rate determined by the Secretary of Energy for the sale of power from the Navajo Generating Station to utilities and public entities, as a result of the use of power and energy for the desalting, protective pumping works, and other uses authorized by law, and that power and energy from the Navajo Generating Station shall be used first to meet the pumping requirements of the Central Arizona Project and after those needs have been met, for the desalting and protective pumping facilities constructed pursuant to this subchapter, and finally for other uses: *Provided further*, That prior to obtaining power from the Navajo Generating Station under the authority of this subsection, the Secretary shall complete an analysis of alternative sources of supply, including but not limited to the possibility of developing an agreement with the Republic of Mexico whereby the United States (or a non-Federal entity) would enter into contractual arrangements with Mexico for a sufficient supply of power to operate the desalting plant, the regulatory pumping fields and appurtenant facilities.

(C) Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriation Acts, the Secretary of the Interior is authorized to purchase supplemental power and energy as required for the purposes of supplying the power and energy requirements of the desalting plant and protective pumping well field.

(c) Replacement water studies

Replacement of the reject stream from the desalting plant, Colorado River waters used for the

mitigation of fish and wildlife habitat losses and of any Wellton-Mohawk drainage water bypassed to the Santa Clara Slough to accomplish essential operation except at such times when there exists surplus water of the Colorado River under the terms of the Mexican Water Treaty of 1944, is recognized as a national obligation as provided in section 1512 of this title. Studies to identify feasible measures to provide adequate replacement water shall be completed not later than June 30, 1980. Said studies shall be limited to potential sources within the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are within the natural drainage basin of the Colorado River. Measures found necessary to replace the reject stream from the desalting plant, Colorado River waters used for the mitigation of fish and wildlife habitat losses and any Wellton-Mohawk drainage bypassed to the Santa Clara Slough to accomplish essential operations may be undertaken independently of the national obligation set forth in section 1512 of this title.

(d) Advancement of funds for that portion of bypass drain within Mexico

The Secretary is hereby authorized to advance funds to the United States section, International Boundary and Water Commission (IBWC), for construction, operation, and maintenance by Mexico pursuant to Minute No. 242 of that portion of the bypass drain within Mexico. Such funds shall be transferred to an appropriate Mexican agency, under arrangements to be concluded by the IBWC providing for the construction, operation, and maintenance of such facility by Mexico.

(e) Desalted water exchange

Any desalted water not needed for the purposes of this subchapter may be exchanged at prices and under terms and conditions satisfactory to the Secretary and the proceeds therefrom shall be deposited in the General Fund of the Treasury. The city of Yuma, Arizona, shall have first right of refusal to any such water.

(f) Return flow reduction

For the purpose of reducing the return flows from the division to one hundred and seventy-five thousand acre-feet or less, annually, the Secretary is authorized to:

(1) Accelerate the cooperative program of Irrigation Management Services with the Wellton-Mohawk Irrigation and Drainage District, hereinafter referred to as the district, for the purpose of improving irrigation efficiency. The district shall bear its share of the cost of such program as determined by the Secretary.

(2) Acquire by purchase or through eminent domain or exchange, to the extent determined by him to be appropriate, lands or interests in lands to reduce the existing seventy-five thousand developed and undeveloped irrigable acres authorized by the Act of July 30, 1947 (61 Stat. 628), known as the Gila Reauthorization Act [43 U.S.C. 613 et seq.]. The initial reduction in irrigable acreage shall be limited to approximately ten thousand acres. If the Secretary determines that the irrigable acreage of the division must be reduced below sixty-five thousand acres of irrigable lands to carry out the purpose of this section, the Secretary is authorized, with the consent of the district, to acquire additional lands, as may be deemed by him to be appropriate.

(g) Disposal of acquired lands

The Secretary is authorized to dispose of the acquired lands and interests therein on terms and conditions satisfactory to him and meeting the objective of this chapter.

(h) Assistance to water users for installation of system improvements

The Secretary is authorized, either in conjunction with or in lieu of land acquisition, to assist water users in the division in installing system improvements, such as ditch lining, change of field layouts, automatic equipment, sprinkler systems and bubbler systems, as a means of increasing irrigation efficiencies: *Provided, however*, That all costs associated with the improvements authorized herein and allocated to the water users on the basis of benefits received, as determined by the Secretary, shall be reimbursed to the United States in amounts and on terms and conditions satisfactory to the Secretary.

(i) Contract amendment

The Secretary is authorized to amend the contract between the United States and the district dated March 4, 1952, as amended, to provide that—

(1) the portion of the existing repayment obligation owing to the United States allocable to irrigable acreage eliminated from the division for the purposes of this subchapter, as determined by the Secretary, shall be nonreimbursable; and

(2) if deemed appropriate by the Secretary, the district shall be given credit against its outstanding repayment obligation to offset any increase in operation and maintenance assessments per acre which may result from the district's decreased operation and maintenance base, all as determined by the Secretary.

(j) Acquisition of land for storage

The Secretary is authorized to acquire through the Corps of Engineers fee title to, or other necessary interests in, additional lands above the Painted Rock Dam in Arizona that are required for the temporary storage capacity needed to permit operation of the dam and reservoir in times of serious flooding in accordance with the obligations of the United States under Minute No. 242. No funds shall be expended for acquisition of land or interests therein until it is finally determined by a Federal court of competent jurisdiction that the Corps of Engineers presently lacks legal authority to use said lands for this purpose. Nothing contained in this subchapter nor any action taken pursuant to it shall be deemed to be a recognition or admission of any obligation to the owners of such land on the part of the United States or a limitation or deficiency in the rights or powers of the United States with respect to such lands or the operation of the reservoir.

(k) Transfer of funds

To the extent desirable to carry out subsections (f)(1) and (h) of this section, the Secretary may transfer funds to the Secretary of Agriculture as may be required for technical assistance to farmers, conduct of research and demonstrations, and such related investigations as are required to achieve higher on-farm irrigation efficiencies.

(*l*) Nonreimbursable costs

All cost associated with the desalting complex shall be nonreimbursable except as provided in subsections (f) and (h) of this section.

(Pub. L. 93–320, title I, § 101, June 24, 1974, 88 Stat. 266; Pub. L. 96–336, §§ 1, 2, Sept. 4, 1980, 94 Stat. 1063.)

REFERENCES IN TEXT

Act of July 30, 1947 (61 Stat. 628), known as the Gila Reauthorization Act, referred to in subsec. (f)(2), is act July 30, 1947, ch. 382, 61 Stat. 628, which was classified generally to subchapter XXI (§ 613 et seq.) of chapter 12 of this title, and was omitted from the Code.

AMENDMENTS

1980—Subsec. (b)(2). Pub. L. 96–336, § 1, designated existing provisions as subpar. (A), struck out requirement that all costs associated with the desalting plant be nonreimbursable, and added subpars. (B) and (C).

Subsec. (c). Pub. L. 96–336, § 2, included replacement water studies covering reject stream from the Colorado River waters used for the mitigation of fish and wildlife habitat losses.

SHORT TITLE

Section 1 of Pub. L. 93–320 provided: ''That this Act [enacting this chapter and amending sections 620d and 1543 of this title] may be cited as the 'Colorado River Basin Salinity Control Act'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1572. Canal or canal lining

(a) Authorization of construction

To assist in meeting salinity control objectives of Minute No. 242 during an interim period, the Secretary is authorized to construct a new concrete-lined canal or, to line the presently unlined portion of the Coachella Canal of the Boulder Canyon project, California, from station 2 plus 26 to the beginning of siphon numbered 7, a length of approximately forty-nine miles. The United States shall be entitled to temporary use of a quantity of water, for the purpose of meeting the salinity control objectives of Minute No. 242, during an interim period, equal to the quantity of water conserved by constructing or lining the said canal. The interim period shall commence on completion of construction or lining said canal and shall end the first year that the Secretary delivers main stream Colorado River water to California in an amount less than the sum of the quantities requested by (1) the California agencies under contracts made pursuant to section 617d of this title, and (2) Federal establishments to meet their water rights acquired in California in accordance with the Supreme Court decree in Arizona against California (376 U.S. 340).

(b) Repayment

The charges for total construction shall be repayable without interest in equal annual installments over a period of forty years beginning in the year following completion of construction: *Provided*, That, repayment shall be prorated between the United States and the Coachella Valley County Water District, and the Secretary is authorized to enter into a repayment contract with Coachella Valley County Water District for that purpose. Such contract shall provide that annual repayment installments shall be nonreimbursable during the interim period, defined in subsection (a) of this section and shall provide that after the interim period, said annual repayment installments or portions thereof, shall be paid by Coachella Valley County Water District.

(c) Acquisition of private lands

The Secretary is authorized to acquire by purchase, eminent domain, or exchange private lands or interests therein, as may be determined by him to be appropriate, within the Imperial Irrigation District on the Imperial East Mesa which receive, or which have been granted rights to receive, water from Imperial Irrigation District's capacity in the Coachella Canal. Costs of such acquisitions shall be nonreimbursable and the Secretary shall return such lands to the public domain. The United States shall not acquire any water rights by reason of this land acquisition.

(d) Credit to Imperial Irrigation District against final payments for relinquished capacity in Coachella Canal

The Secretary is authorized to credit Imperial Irrigation District against its final payments for certain outstanding construction charges payable to the United States on account of capacity to be relinquished in the Coachella Canal as a result of the canal lining program, all as determined by the Secretary: *Provided*, That, relinquishment of capacity shall not affect the established basis for allocating operation and maintenance costs of the main All-American Canal to existing contractors.

(e) Transfer of lands to Cocopah Tribe of Indians

The Secretary is authorized and directed to cede the following land to the Cocopah Tribe of Indians, subject to rights-of-way for existing levees, to be held in trust by the United States for the Cocopah Tribe of Indians:

Township 9 south, range 25 west of the Gila and Salt River meridian, Arizona;

Section 25: Lots 18, 19, 20, 21, 22, and 23;

Section 26: Lots 1, 12, 13, 14, and 15;

Section 27: Lot 3; and all accretion to the above described lands.

The Secretary is authorized and directed to construct three bridges, one of which shall be capable of accommodating heavy vehicular traffic, over the portion of the bypass drain which crosses the reservation of the Cocopah Tribe of Indians. The transfer of lands to the Cocopah Indian Reservation and the construction of bridges across the bypass drain shall constitute full and complete payment to said tribe for the rights-of-way required for construction of the bypass drain and electrical transmission lines for works authorized by this subchapter.

(Pub. L. 93–320, title I, § 102, June 24, 1974, 88 Stat. 268.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1573. Construction and maintenance of well fields; land acquisition; land replacement; nonreimbursable costs

(a) The Secretary is authorized to:

(1) Construct, operate, and maintain, consistent with Minute No. 242, well fields capable of furnishing approximately one hundred and sixty thousand acre-feet of water per year for use in the United States and for delivery to Mexico in satisfaction of the 1944 Mexican Water Treaty.

(2) Acquire by purchase, eminent domain, or exchange, to the extent determined by him to be appropriate, approximately twenty-three thousand five hundred acres of lands or interests therein with approximately five miles of the Mexican border on the Yuma Mesa: *Provided, however*, That any such lands which are presently owned by the State of Arizona may be acquired or exchanged for Federal lands.

(3) Any lands removed from the jurisdiction of the Yuma Mesa Irrigation and Drainage District pursuant to clause (2) of this subsection which were available for use under the Gila Reauthorization Act (61 Stat. 628) [43 U.S.C. 613 et. seq.], shall be replaced with like lands within or adjacent to the Yuma Mesa division of the project. In the development of these substituted lands or any other lands within the Gila project, the Secretary may provide for full utilization of the Gila Gravity Main Canal in addition to contracted capacities.

(4) Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts under the terms and conditions of the Act of June 17, 1902 (43 U.S.C. 371 et seq.) as amended and supplemented for the delivery of water from said well field to entities within the United States for municipal and industrial or irrigation purposes: *Provided*, That such contracts for municipal and industrial purposes shall contain terms and conditions as substantially provided in section 485h(c)(1) of this title, and that contracts for replacement irrigation water supplies to prevent damage to existing water users on privately developed lands include water charges no greater than if such water users had continued to pump their own wells without the United States lowering the water table and that the acreage limitation and related provisions of the Reclamation Law [43 U.S.C. 371 et seq.] will not be applicable to such privately developed lands: *Provided further*, That no contract shall be entered which will impair the ability of the United States to continue to deliver to Mexico on the land boundary at San Luis and in the Limitrophe Section of the Colorado River downstream from Morelos Dam approximately one hundred and forty thousand acre-feet annually, consistent with the terms contained in Minute No. 242 of the IBWC.

(b) The cost of work provided for in this section, including delivery of water to Mexico, shall be nonreimbursable; except to the extent that the waters furnished are used in the United States.

(Pub. L. 93–320, title I, § 103, June 24, 1974, 88 Stat. 269; Pub. L. 96–336, § 3, Sept. 4, 1980, 94 Stat. 1063.)

REFERENCES IN TEXT

The Gila Reauthorization Act, referred to in subsec. (a)(3), is act July 30, 1947, ch. 382, 61 Stat. 628, which was classified generally to subchapter XXI (§ 613 et seq.) of chapter 12 of this title, and was omitted from the Code.

Act of June 17, 1902 (43 U.S.C. 371 et seq.) as amended and supplemented, and the Reclamation Law, referred to in subsec. (a)(4), is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

AMENDMENTS

1980—Subsec. (a)(4). Pub. L. 96–336 added par. (4).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1574. Modification of projects

The Secretary is authorized to provide for modifications of the projects authorized by this subchapter to the extent he determines appropriate for purposes of meeting the international settlement objective of this subchapter at the lowest overall cost to the United States. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to the appropriate committees of the Congress, unless the Congress approves an earlier date by concurrent resolution. The Secretary shall notify the Governors of the Colorado River Basin States of such modifications.

(Pub. L. 93–320, title I, § 104, June 24, 1974, 88 Stat. 270.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1575. Contract authority

The Secretary is authorized to enter into contracts that he deems necessary to carry out the provisions of this subchapter in advance of the appropriation of funds therefor.

(Pub. L. 93–320, title I, § 105, June 24, 1974, 88 Stat. 270.)

§ 1575a. Administration and disposition of lands and constructed facilities; revenues credited to general fund of Treasury

The Secretary is hereby authorized to administer and dispose of lands and interests in lands acquired, and facilities constructed under this subchapter, and revenues received in connection with this authority shall be credited to the general fund of the Treasury.

(Pub. L. 93–320, title I, § 106, as added Pub. L. 96–336, § 4, Sept. 4, 1980, 94 Stat. 1064.)

PRIOR PROVISIONS

A prior section 106 of Pub. L. 93–320 was renumbered section 107 and is classified to section 1576 of this title.

§ 1576. Interagency cooperation

In carrying out the provisions of this subchapter, the Secretary shall consult and cooperate with the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other affected Federal, State, and local agencies.

(Pub. L. 93–320, title I, § 107, formerly § 106, June 24, 1974, 88 Stat. 270; renumbered § 107, Pub. L. 96–336, § 4, Sept. 4, 1980, 94 Stat. 1064.)

PRIOR PROVISIONS

A prior section 107 of Pub. L. 93–320 was renumbered section 108 and is classified to section 1577 of this title.

§ 1577. Existing Federal laws not modified

Nothing in this chapter shall be deemed to modify the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.], or, except as expressly stated herein, the provisions of any other Federal law.

(Pub. L. 93–320, title I, § 108, formerly § 107, June 24, 1974, 88 Stat. 270; renumbered § 108, Pub. L. 96–336, § 4, Sept. 4, 1980, 94 Stat. 1064.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Federal Water Pollution Control Act, as amended, referred to in text, probably means act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

PRIOR PROVISIONS

A prior section 108 of Pub. L. 93–320 was renumbered section 109 and is classified to section 1578 of this title.

§ 1578. Authorization of appropriations

There is hereby authorized to be appropriated the sum of $356,400,000 for the construction of the works and accomplishment of the purposes authorized in sections 1571, 1572, 1573, and 1579 of this title, of which $3,579,000 is authorized for mitigation of fish and wildlife losses associated with replacement of the Coachella Canal in California, and $6,960,000 is authorized for mitigation of fish and wildlife losses associated with the Desalting Complex Unit and the Protective and Regulatory Pumping Unit in Arizona, based on January 1979, prices plus or minus such amounts as may be justified by reason of ordinary fluctuation in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 1574 of this title. In order to provide for the utilization of significant improvements in desalinization technologies which may have been developed since the Bureau's evaluation, the Secretary is directed to evaluate such cost effective improvements and implement such improved designs into the plant operations when the evaluation indicates that cost savings will result: *Provided, however*, That no more than five percent of the amount authorized to be appropriated is used for these purposes. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(Pub. L. 93–320, title I, § 109, formerly § 108, June 24, 1974, 88 Stat. 270; renumbered § 109 and amended Pub. L. 96–336, §§ 4, 5, Sept. 4, 1980, 94 Stat. 1064.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in text, is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§ 4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

AMENDMENTS

1980—Pub. L. 96–336, § 5, substituted appropriations authorization of $356,400,000 to carry out sections 1571, 1572, 1573, and 1579 of this title for prior authorizations of $121,500,000 and $34,000,000 for purposes of sections 1571 and 1572, and 1573 of this title, and use of January 1979 for April 1973 price basis, authorized sums of $3,579,000 and $6,960,000 for mitigation of fish and wildlife losses in California and Arizona, and provided for cost savings desalinization plant operations limited to five percent of appropriations authorization.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 5 of Pub. L. 96–336 provided that the amendment made by that section is effective Oct. 1, 1979.

§ 1579. Fish and wildlife habitat; mitigation of losses

Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriate[1] Acts, in order to provide measures determined by the Secretary of the Interior to be appropriated to mitigate loss of fish and wildlife habitat associated with other measures taken under this subchapter:

(a) Appropriation of funds; acquisition and disposal of lands; facilities undertakings; funds restriction for non-Federal facilities

The Secretary is authorized to—

(1) acquire lands by purchase, eminent domain, or exchange;

(2) dispose of land, facilities, and equipment;

(3) construct, operate, maintain, and make replacements of facilities: *Provided, however*, That no funds will be provided for operation, maintenance, or replacement of non-Federal facilities.

(b) Nonreimbursable costs

All costs authorized by this section are nonreimbursable.

(Pub. L. 93–320, title I, § 110, as added Pub. L. 96–336, § 6, Sept. 4, 1980, 94 Stat. 1064.)

[1] So in original. Probably should be "appropriation".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1580. Definitions

As used in this subchapter:

(a) Navajo Generating Station means—

(1) the United States entitlement to a portion of the output of power and energy from the Navajo Generating Station, Page, Arizona, pursuant to United States participation in that generating station;

(2) in the event that said United States entitlement is integrated with other generating facilities, then Navajo Generating Station means that amount of power and energy from the integrated system which is attributable to the United States Navajo entitlement;

(3) when the Navajo Generating Station is replaced at the end of its useful life or an alternative resource is established, then Navajo Generating Station means an amount of power and energy equivalent to the present United States entitlement from Navajo, from the replacement resource.

(b) All terms used herein that are defined in the Colorado River Compact shall have the meanings therein defined.

(Pub. L. 93–320, title I, § 111, as added Pub. L. 96–336, § 7, Sept. 4, 1980, 94 Stat. 1065.)

SUBCHAPTER II—MEASURES UPSTREAM FROM IMPERIAL DAM

§ 1591. Salinity control policy

(a) Implementation by Secretary of the Interior

The Secretary of the Interior shall implement the salinity control policy adopted for the Colorado River in the ''Conclusions and Recommendations'' published in the Proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming, held in Denver, Colorado, on April 26–27, 1972, under the authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

(b) Expeditious investigation, planning, and implementation of salinity control program

The Secretary is hereby directed to expedite the investigation, planning, and implementation of the salinity control program generally as described in chapter VI of the Secretary's report entitled, ''Colorado River Water Quality Improvement Program, February 1972''. In determining the relative priority of implementing additional units or new self-contained portions of units authorized by section 1592 of this title, the Secretary or the Secretary of Agriculture, as the case may be, shall give preference to those additional units or new self-contained portions of units which reduce salinity of the Colorado River at the least cost per unit of salinity reduction.

(c) Cooperation with other Federal agencies

In conformity with subsection (a) of this section and the authority of the Environmental Protection Agency under Federal laws, the Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture are directed to cooperate and coordinate their activities effectively to carry out the objective of this subchapter.

(Pub. L. 93–320, title II, § 201, June 24, 1974, 88 Stat. 270; Pub. L. 98–569, § 1, Oct. 30, 1984, 98 Stat. 2933.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsec. (a), which was formerly classified to chapter 23 (§ 1151 et seq.) of Title 33, Navigation and Navigable Waters, was revised generally by Pub. L. 92–500, Oct. 18, 1972, 86 Stat. 816, and is classified generally to chapter 25 (§ 1251 et seq.) of Title 33.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98–569 inserted ''In determining the relative priority of implementing additional units or new self-contained portions of units authorized by section 1592 of this title, the Secretary or the Secretary of Agriculture, as the case may be, shall give preference to those additional units or new self-contained portions of units which reduce salinity of the Colorado River at the least cost per unit of salinity reduction.''.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 6 of Pub. L. 98–569 provided that: ''The amendments made by this Act [amending this section and sections 620d, 1543, 1592, 1593, 1595, and 1598 of this title] shall take effect upon enactment of this Act [Oct. 30, 1984].''

§ 1592. Authorization to construct, operate, and maintain salinity control units and salinity control program

(a) Authority of Secretary

The Secretary is authorized to construct, operate, and maintain the following salinity control units and salinity control program as the initial stage of the Colorado River Basin salinity control program:

(1) The Paradox Valley unit, Montrose County, Colorado, consisting of facilities for collection and disposition of saline ground water of Paradox Valley, including wells, pumps, pipelines, solar evaporation ponds, and all necessary appurtenant and associated works such as roads, fences, dikes, power transmission facilities, and permanent operating facilities, and consisting of measures to replace incidental fish and wildlife values foregone.

(2) The Grand Valley unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce the seepage of irrigation water from the irrigated lands of Grand Valley into the ground water and thence into the Colorado River. Measures shall include lining of canals and laterals, replacing canals and laterals with pipe, and the combining of existing canals and laterals into fewer and more efficient facilities implementing other measures to reduce salt contributions from the Grand Valley to the Colorado River, and implementing measures to replace incidental fish and wildlife values foregone..[1] Prior to initiation of construction of the Grand Valley unit, or portion there-

[1] So in original.

of, the Secretary shall enter into contracts through which the non-Federal entities owning, operating, and maintaining the water distribution systems, or portions thereof, in Grand Valley, singly or in concert, will assume the obligations specified in subsection (b)(2) of this section relating to the continued operation and maintenance of the unit's facilities to the end that the maximum reduction of salinity inflow to the Colorado River will be achieved.

(3) The Las Vegas Wash unit, Nevada, consisting of facilities for collection and disposition of saline ground water of Las Vegas Wash, including infiltration galleries, pumps, desalter, pipelines, solar evaporation facilities, and all appurtenant works including but not limited to roads, fences, power transmission facilities, and operating facilities, and consisting of measures to replace incidental fish and wildlife values foregone.

(4) Stage I of the Lower Gunnison Basin unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce seepage from canals and laterals in the Uncompahgre Valley, and consisting of measures to replace incidental fish and wildlife values foregone, essentially as described in the feasibility report and final environmental statement dated February 10, 1984. Prior to initiation of construction of stage I of the Lower Gunnison Basin unit, or of a portion of stage I, the Secretary shall enter into contracts through which the non-Federal entities owning, operating, and maintaining the water distribution systems, or portions thereof, in the Uncompahgre Valley, singly or in concert, will assume the obligations specified in subsection (b)(2) of this section relating to the continued operation and maintenance of the unit's facilities.

(5) Portions of the McElmo Creek unit, Colorado, as components of the Dolores participating project, Colorado River Storage project, authorized by Public Law 90–537 [43 U.S.C. 1501 et seq.] and Public Law 84–485 [43 U.S.C. 620 et seq.], consisting of all measures and all necessary appurtenant and associated works to reduce seepage only from the Towaoc-Highline combined canal, Rocky Ford laterals, Lone Pine lateral, and Upper Hermana lateral, and consisting of measures to replace incidental fish and wildlife values foregone. The Dolores participating project shall have salinity control as a project purpose insofar as these specific facilities are concerned: *Provided*, That the costs of construction and replacement of these specific facilities shall be allocated by the Secretary to salinity control and irrigation only after consultation with the State of Colorado, the Montezuma Valley Irrigation District, Colorado, and the Dolores Water Conservancy District, Colorado: *And provided further*, That such allocation of costs to salinity control will include only the separable and specific costs of these specific facilities and will not include any joint costs of any other facilities of the Dolores participating project. Repayment of costs allocated to salinity control shall be subject to this chapter. Repayment of costs allocated to irrigation shall be subject to the Acts which authorized the Dolores participating project, the Reclamation Act of 1902, and Acts amendatory and supplementary thereto. Prior to initiation of construction of these specific facilities, or a portion thereof, the Secretary shall enter into contracts through which the non-Federal entities owning, operating, and maintaining the water distribution systems, or portions thereof, in the Montezuma Valley, singly or in concert, will assume the obligations specified in subsection (b)(2) of this section relating to the continued operation and maintenance of the unit's facilities.

(6) A basinwide salinity control program that the Secretary, acting through the Bureau of Reclamation, shall implement. The Secretary may carry out the purposes of this paragraph directly, or may make grants, commitments for grants, or advances of funds to non-Federal entities under such terms and conditions as the Secretary may require. Such program shall consist of cost-effective measures and associated works to reduce salinity from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources that the Secretary considers appropriate. Such program shall provide for the mitigation of incidental fish and wildlife values that are lost as a result of the measures and associated works. The Secretary shall submit a planning report concerning the program established under this paragraph to the appropriate committees of Congress. The Secretary may not expend funds for any implementation measure under the program established under this paragraph before the expiration of a 30-day period beginning on the date on which the Secretary submits such report.

(b) Implementation of authorized units

In implementing the units authorized to be constructed pursuant to subsection (a) of this section, the Secretary shall carry out the following directions:

(1) As reports are completed describing final implementation plans for the unit, or any portion thereof, authorized by paragraph (5) of subsection (a) of this section, and prior to expenditure of funds for related construction activities, the Secretary shall submit such reports to the appropriate committees of the Congress and to the governors of the Colorado River Basin States.

(2) Non-Federal entities shall be required by the Secretary to contract for the long-term operation and maintenance of canal and lateral systems constructed pursuant to activities provided for in subsection (a) of this section: *Provided*, That the Secretary shall reimburse such non-Federal entities for the costs of such operation and maintenance to the extent the costs exceed the expenses that would have been incurred by them in the thorough and timely operation and maintenance of their canal and lateral systems absent the construction of a unit, said expenses to be determined by the Secretary after consultation with the involved non-Federal entities. The operation and maintenance for which non-Federal entities shall be responsible shall include such repairing and replacing of a unit's facilities as are associated with normal annual maintenance activities in order to keep such facilities in a condition which will assure maximum

reduction of salinity inflow to the Colorado River. These non-Federal entities shall not be responsible, nor incur any costs, for the replacement of a unit's facilities, including measures to replace incidental fish and wildlife values foregone. The term replacement shall be defined for the purposes of this subchapter as a major modification or reconstruction of a completed unit, or portion thereof, which is necessitated, through no fault of the non-Federal entity or entities operating and maintaining a unit, by design or construction inadequacies or by normal limits on the useful life of a facility. The Secretary is authorized to provide continuing technical assistance to non-Federal entities to assure the effective and efficient operation and maintenance of a unit's facilities.

(3) The Secretary may, under authority of this subchapter, and limited to the purposes of this chapter, fund through a grant or contract, for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts, a non-Federal entity to organize private canal and lateral owners into formal organizations with which the Secretary may enter into a grant or contract to construct, operate, and maintain a unit's facilities.

(4) In implementing the units authorized to be constructed or the program pursuant to paragraphs (1), (2), (3), (4), (5), and (6) of subsection (a) of this section, the Secretary shall comply with procedural and substantive State water laws.

(5) The Secretary may, under authority of this subchapter and limited to the purposes of this chapter, fund through a grant or contract, for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts, a non-Federal entity to operate and maintain measures to replace incidental fish and wildlife values foregone.

(6) In implementing the units authorized to be constructed pursuant to subsection (a) of this section, the Secretary shall implement measures to replace incidental fish and wildlife values foregone concurrently with the implementation of a unit's, or a portion of a unit's, related features.

(c) Salinity control measures

The Secretary of Agriculture shall carry out salinity control measures (including watershed enhancement and cost-share measures with livestock and crop producers) in the Colorado River Basin as part of the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa et seq.].

(Pub. L. 93–320, title II, § 202, June 24, 1974, 88 Stat. 271; Pub. L. 98–569, § 2, Oct. 30, 1984, 98 Stat. 2933; Pub. L. 104–20, § 1(1), (4), July 28, 1995, 109 Stat. 255, 256; Pub. L. 104–127, title III, § 336(c)(1), Apr. 4, 1996, 110 Stat. 1006.)

REFERENCES IN TEXT

Public Law 90–537, referred to in subsec. (a)(5), is act Sept. 30, 1968, 82 Stat. 885, as amended, popularly known as the "Colorado River Basin Project Act", which is classified principally to chapter 32 (§ 1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

Public Law 84–485, referred to in subsec. (a)(5), is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, popularly known as the "Colorado River Storage Project Act", which is classified to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.

The Reclamation Act of 1902, referred to in subsec. (a)(5), is act June 17, 1902, 32 Stat. 388, as amended and supplemented, is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The Food Security Act of 1985, referred to in subsec. (c), is Pub. L. 99–198, Dec. 23, 1985, 99 Stat. 1354, as amended. Chapter 4 of subtitle D of title XII of the Act is classified generally to part IV (§ 3839aa et seq.) of subchapter IV of chapter 58 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of Title 7, Agriculture, and Tables.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–127 added subsec. (c) and struck out former subsec. (c) which authorized establishment of a voluntary cooperative salinity control program with landowners to improve on-farm water management and reduce watershed erosion on certain lands.

1995—Subsec. (a). Pub. L. 104–20, § 1(1), inserted "and salinity control program" after "the following salinity control units" and substituted colon for period in introductory provisions and added par. (6).

Subsec. (b)(4). Pub. L. 104–20, § 1(4), substituted "or the program pursuant to paragraphs (1), (2), (3), (4), (5), and (6)" for "pursuant to paragraphs (1), (2), (3), (4), and (5)".

1984—Subsec. (a). Pub. L. 98–569, § 2(a), designated existing provisions as subsec. (a).

Subsec. (a)(1). Pub. L. 98–569, § 2(b)(1), inserted ", and consisting of measures to replace incidental fish and wildlife values foregone" at the end thereof.

Subsec. (a)(2). Pub. L. 98–569, § 2(b)(2), inserted "replacing canals and laterals with pipe," after "canals and laterals" and inserted "implementing other measures to reduce salt contributions from the Grand Valley to the Colorado River, and implementing measures to replace incidental fish and wildlife values foregone" after "efficient facilities" in second sentence.

Pub. L. 98–569, § 2(b)(3), inserted ", or portions thereof," after "Grand Valley unit", substituted "non-Federal entities" for "agencies", inserted "or portions thereof," after "water distribution systems" and substituted "the obligations specified in subsection (b)(2) of this section" for "all obligations" in third sentence.

Pub. L. 98–569, § 2(b)(4), struck out "The Secretary is also authorized to provide, as an element of the Grand Valley unit, for a technical staff to provide information and assistance to water users on means and measures for limiting excess water applications to irrigated lands: *Provided*, That such assistance shall not exceed a period of five years after funds first become available under this subchapter. The Secretary will enter into agreements with the Secretary of Agriculture to develop a unified control plan for the Grand Valley unit. The Secretary of Agriculture is directed to cooperate in the planning and construction of on-farm system measures under programs available to that Department."

Subsec. (a)(3). Pub. L. 98–569, § 2(b)(5), redesignated par. (4) as (3). Former par. (3), which related to the Crystal Geyser unit in Utah, was struck out.

Pub. L. 98–569, § 2(b)(6), substituted ", and consisting of measures to replace incidental fish and wildlife values foregone." for the period at the end thereof.

Subsec. (a)(4). Pub. L. 98–569, § 2(b)(7), added par. (4). Former par. (4) redesignated (3).

Subsec. (a)(5). Pub. L. 98–569, § 2(b)(7), added par. (5).

Subsecs. (b), (c). Pub. L. 98–569, § 2(c), added subsecs. (b) and (c).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–569 effective Oct. 30, 1984, see section 6 of Pub. L. 98–569, set out as a note under section 1591 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1591, 1595, 1598 of this title; title 7 section 6962; title 16 section 3839aa.

§ 1593. Planning reports; research and demonstration projects

(a) The Secretary is authorized and directed to—

(1) Expedite completion of the planning reports on the following units, described in the Secretary's report, ''Colorado River Water Quality Improvement Program, February 1972'';

(i) Irrigation source control:
Lower Gunnison
Uintah Basin
Colorado River Indian Reservation
Palo Verde Irrigation District

(ii) Point source control:
LaVerkin Springs
Littlefield Springs
Glenwood-Dotsero Springs

(iii) Diffuse source control:
Price River
San Rafael River
Dirty Devil River
McElmo Creek
Big Sandy River

(2) Submit each planning report on the units named in paragraph (1) of this subsection promptly to the Colorado River Basin States and to such other parties as the Secretary deems appropriate for their review and comments. After receipt of comments on a unit and careful consideration thereof, the Secretary shall submit each final report with his recommendations, simultaneously, to the President, other concerned Federal departments and agencies, the Congress, and the Colorado River Basin States.

(b) The Secretary is directed—

(1) in the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, to cooperate with the Secretary of Agriculture in carrying out research and demonstration projects and in implementing on-the-farm improvements and farm management practices and programs which will further the objective of this subchapter;

(2) to undertake research on additional methods for accomplishing the objective of this subchapter, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies, interstate institutions, States, and private organizations;

(3) to develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management and submit a report which describes the program and recommended implementation actions to the Congress and to the members of the advisory council established by section 1594(a) of this title by July 1, 1987;

(4) to undertake feasibility investigations of saline water use and disposal opportunities, including measures and all necessary appurtenant and associated works, to demonstrate saline water use technology and to beneficially use and dispose of saline and brackish waters of the Colorado River Basin in joint ventures with current and future industrial water users, using, but not limited to, the concepts generally described in the Bureau of Reclamation Special Report of September 1981, entitled ''Saline water use and disposal opportunities''; and

(5) to undertake advance planning activities on the Sinbad Valley Unit, Colorado, as described in the Bureau of Land Management Salinity Status Report, covering the period 1978–1979 and dated February 1980.

(Pub. L. 93–320, title II, § 203, June 24, 1974, 88 Stat. 271; Pub. L. 98–569, § 3, Oct. 30, 1984, 98 Stat. 2937.)

AMENDMENTS

1984—Subsec. (b)(3) to (5). Pub. L. 98–569 added pars. (3) to (5).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–569 effective Oct. 30, 1984, see section 6 of Pub. L. 98–569, set out as a note under section 1591 of this title.

§ 1594. Colorado River Basin Salinity Control Advisory Council

(a) There is created the Colorado River Basin Salinity Control Advisory Council composed of no more than three members from each State appointed by the Governor of each of the Colorado River Basin States.

(b) The Council shall be advisory only and shall—

(1) act as liaison between both the Secretaries of Interior and Agriculture and the Administrator of the Environmental Protection Agency and the States in accomplishing the purposes of this subchapter;

(2) receive reports from the Secretary on the progress of the salinity control program and review and comment on said reports; and

(3) recommend to both the Secretary and the Administrator of the Environmental Protection Agency appropriate studies of further projects, techniques, or methods for accomplishing the purposes of this subchapter.

(Pub. L. 93–320, title II, § 204, June 24, 1974, 88 Stat. 272.)

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1593, 1595, 1596 of this title.

§ 1595. Salinity control units; authority and functions of Secretary of the Interior

(a) Allocation of costs

The Secretary shall allocate the total costs (excluding costs borne by non-Federal participants) of the on-farm measures authorized by section 1592(c) of this title, of all measures to replace incidental fish and wildlife values foregone, and of each unit or separable feature thereof authorized by section 1592(a) of this title, as follows:

(1) In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) [33 U.S.C. 1251 et seq.], 75 per centum of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof authorized by section 1592(a)(1), (2), and (3) of this title, including 75 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, 70 per centum of the total costs of construction, operation, maintenance, and replacement of each unit, or separable feature thereof authorized by paragraphs (4) through (6) of section 1592(a) of this title, including 70 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, and 70 per centum of the total costs of implementation of the on-farm measures authorized by section 1592(c) of this title, including 70 per centum of the total costs of the associated measures to replace incidental fish and wildlife values foregone, shall be nonreimbursable. The total costs remaining after these allocations shall be reimbursable as provided for in paragraphs (2), (3), (4), and (5),[1] of subsection (a) of this section[2]

(2) The reimbursable portion of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 5(a) of the Colorado River Storage Project Act (70 Stat. 107) [43 U.S.C. 620d(a)] and the Lower Colorado River Basin Development Fund established by section 1543(a) of this title, after consultation with the Advisory Council created in section 1594(a) of this title and consideration of the following items:

(i) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

(ii) causes of salinity; and

(iii) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under section 620d(d)(5) of this title: *Provided*, That costs allocated to the Upper Colorado River Basin Fund under this paragraph (2) shall not exceed 15 per centum of the costs allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund.

(3) Costs of construction and replacement of each unit or separable feature thereof authorized by sections[3] 1592(a)(1), (2), and (3) of this title and costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the units authorized by sections[3] 1592(a)(1), (2), and (3) of this title, allocated to the upper basin and to the lower basin under subsection (a)(2) of this section shall be repaid within a fifty-year period or within a period equal to the estimated life of the unit, separable feature thereof, or replacement, whichever is less, without interest from the date such unit, separable feature, or replacement is determined by the Secretary to be in operation.

(4)(i) Costs of construction and replacement of each unit or separable feature thereof authorized by paragraphs (4) through (6) of section 1592[4] of this title, costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the on-farm measures authorized by section 1592(c) of this title or of the units authorized by paragraphs (4) through (6) of section 1592[4] of this title, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title allocated to the upper basin and to the lower basin under subsection (a)(2) of this section shall be repaid as provided in subparagraphs (ii) and (iii), respectively, of this paragraph.

(ii) Costs allocated to the upper basin shall be repaid with interest within a fifty-year period, or within a period equal to the estimated life of the unit, separable feature thereof, replacement, or on-farm measure, whichever is less, from the date such unit, separable feature thereof, replacement, or on-farm measure is determined by the Secretary or the Secretary of Agriculture to be in operation.

(iii) Costs allocated to the lower basin shall be repaid without interest as such costs are incurred to the extent that money is available from the Lower Colorado River Basin development fund to repay costs allocated to the lower basin. If in any fiscal year the money available from the Lower Colorado River Basin development fund for such repayment is insufficient to repay the costs allocated to the lower basin, as provided in the preceding sentence, the deficiency shall be repaid with interest as soon as money becomes available in the fund for repayment of those costs.

(iv) The interest rates used pursuant to this chapter shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period during the month preceding October 30, 1984, for costs outstanding at that date,

[1] So in original. The comma probably should not appear.

[2] So in original. Probably should be followed by a period.

[3] So in original. Probably should be ''section''.

[4] So in original. Probably should be section ''1592(a)''.

or, in the case of costs incurred subsequent to October 30, 1984, during the month preceding the fiscal year in which the costs are incurred.

(5) Costs of operation and maintenance of each unit or separable feature thereof authorized by section 1592(a) of this title and of measures to replace incidental fish and wildlife values foregone allocated to the upper basin and to the lower basin under subsection (a)(2) of this section shall be repaid without interest in the fiscal year next succeeding the fiscal year in which such costs are incurred. In the event that revenues are not available to repay the portion of operation and maintenance costs allocated to the Upper Colorado River Basin fund and to the Lower Colorado River Basin development fund in the year next succeeding the fiscal year in which such costs are incurred, the deficiency shall be repayed[5] with interest calculated in the same manner as provided in subsection (a)(4)(iv) of this section. Any reimbursement due non-Federal entities pursuant to section 1592(b)(2) of this title shall be repaid without interest in the fiscal year next succeeding the fiscal year in which such operation and maintenance costs are incurred.

(b) Costs payable from Lower Colorado River Basin Development Fund

(1) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof authorized by section 1592(a) of this title, costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title, allocated for repayment by the lower basin under subsection (a)(2) of this section shall be paid in accordance with section 1543(g)(2) of this title, from the Lower Colorado River Basin Development Fund.

(2) Omitted

(c) Costs payable from Upper Colorado River Basin Fund

Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof authorized by section 1592(a) of this title, costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title allocated for repayment by the upper basin under subsection (a)(2) of this section shall be paid in accordance with section 620d(d)(5) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under subsection (e) of this section.

(d) Omitted

(e) Upward adjustment of rates for electrical energy

The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs allocated to the Upper Colorado River Basin Fund under subsection (a)(2) of this section and in conformity with subsection (a)(3), subsection (a)(4) and subsection (a)(5) of this section: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units, for the construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and for the implementation of on-farm measures in the Colorado River Basin herein authorized.

(f) Funds

The Secretary may expend funds available in the Basin Funds referred to in this section to carry out cost-share salinity measures in a manner that is consistent with the cost allocations required under this section.

(Pub. L. 93–320, title II, §205, June 24, 1974, 88 Stat. 272; Pub. L. 98–569, §4(a)–(f)(1), (g), (i), Oct. 30, 1984, 98 Stat. 2937–2939; Pub. L. 104–20, §1(2), July 28, 1995, 109 Stat. 255; Pub. L. 104–127, title III, §336(c)(2), Apr. 4, 1996, 110 Stat. 1006.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act Amendments of 1972, referred to in subsec. (a)(1), is Pub. L. 92–500, Oct. 18, 1972, 86 Stat. 816, which is classified principally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title of 1972 Amendment note set out under section 1251 of Title 33 and Tables.

Section 620d(d)(5) of this title, referred to in subsec. (c), was in the original a reference to ''section 205(d) of this title'', meaning section 205(d) of title II of Pub. L. 93–320. Such section 205(d) amended section 5(d) of the Colorado River Storage Project Act by inserting a new par. (5), which is classified to section 620d(d)(5) of this title.

The Colorado River Storage Project Act, referred to in subsec. (d), is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to chapter 12B (§620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.

CODIFICATION

Section is comprised of section 205 of Pub. L. 93–320. Subsecs. (b)(2) and (d) of section 205 of Pub. L. 93–320 amended sections 620d and 1543 of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–127, §336(c)(2)(A), struck out ''pursuant to section 1592(c)(2)(C) of this title'' after ''non-Federal participants'' in introductory provisions.

Subsec. (f). Pub. L. 104–127, §336(c)(2)(B), added subsec. (f).

1995—Subsec. (a)(1). Pub. L. 104–20, §1(2)(A), substituted ''authorized by paragraphs (4) through (6) of section 1592(a)'' for ''authorized by section 1592(a)(4) and (5)''.

Subsec. (a)(4)(i). Pub. L. 104–20, §1(2)(B), substituted ''paragraphs (4) through (6) of section 1592'' for ''sections 1592(a)(4) and (5)'' in two places.

1984—Subsec. (a). Pub. L. 98–569, §4(a), inserted ''(a)'' after ''section 1592'' and inserted ''(excluding costs borne by non-Federal participants pursuant to section 1592(c)(2)(C) of this title) of the on-farm measures authorized by section 1592(c) of this title, of all measures to replace incidental fish and wildlife values foregone, and'' after ''total costs''.

Subsec. (a)(1). Pub. L. 98–569, §4(b), inserted ''authorized by section 1592(a)(1), (2), and (3) of this title, in-

[5] So in original.

cluding 75 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, 70 per centum of the total costs of construction, operation, maintenance, and replacement of each unit, or separable feature thereof authorized by section 1592(a)(4) and (5) of this title, including 70 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, and 70 per centum of the total costs of implementation of the on-farm measures authorized by section 1592(c) of this title, including 70 per centum of the total costs of the associated measures to replace incidental fish and wildlife values foregone,'' after ''shall be nonreimbursable'' and further inserted ''The total costs remaining after these allocations shall be reimbursable as provided for in paragraphs (2), (3), (4), and (5), of subsection (a) of this section'' at the end thereof.

Subsec. (a)(3). Pub. L. 98–569, § 4(d), substituted ''construction and replacement of each unit'' for ''construction, operation, maintenance, and replacement of each unit'' before ''or separable features thereof'', inserted ''authorized by sections 1592(a)(1), (2), and (3) of this title and costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the units authorized by sections 1592(a)(1), (2), and (3) of this title'' before ''allocated'', and inserted ''or within a period equal to the estimated life of the unit, separable feature thereof, or replacement, whichever is less,'' before ''without interest''.

Subsec. (a)(4), (5). Pub. L. 98–569, § 4(e), added pars. (4) and (5).

Subsec. (b). Pub. L. 98–569, § 4(f)(1), inserted ''authorized by section 1592(a) of this title, costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title,'' before ''allocated for repayment''.

Subsec. (c). Pub. L. 98–569, § 4(g), inserted ''authorized by section 1592(a) of this title, costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title'' before ''allocated for''.

Subsec. (e). Pub. L. 98–569, § 4(i), struck out ''of construction, operation, maintenance, and replacement of units'' before ''allocated under'', inserted ''to the Upper Colorado River Basin Fund'' after ''allocated'', inserted '', subsection (a)(4) and subsection (a)(5) of this section'' after ''subsection (a)(3)'', and inserted '', for the construction, operation and maintenance of measures to replace incidental fish and wildlife values foregone, and for the implementation of on-farm measures'' after ''salinity control units''.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–569 effective Oct. 30, 1984, see section 6 of Pub. L. 98–569, set out as a note under section 1591 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 1543, 1597 of this title.

§ 1596. Biennial report to President, Congress, and Advisory Council

Commencing on January 1, 1975, and every two years thereafter, the Secretary shall submit, simultaneously, to the President, the Congress, and the Advisory Council created in section 1594(a) of this title, a report on the Colorado River salinity control program authorized by this subchapter covering the progress of investigations, planning, and construction of salinity control units for the previous fiscal year, the effectiveness of such units, anticipated work needed to be accomplished in the future to meet the objectives of this subchapter, with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program. Said report may be included in the biennial report on the quality of water of the Colorado River Basin prepared by the Secretary pursuant to section 620n of this title, section 615ww of this title, and section 616e of this title.

(Pub. L. 93–320, title II, § 206, June 24, 1974, 88 Stat. 274.)

REFERENCES IN TEXT

Sections 615ww and 616e of this title, referred to in text, were omitted from the Code.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1597. Construction of provisions of subchapter

Except as provided in sections 620d(d)(5), 1543(g)(2), and 1595(b) of this title, with respect to the Colorado River Basin Project Act [43 U.S.C. 1501 et seq.] and the Colorado River Storage Project Act [43 U.S.C. 620 et seq.], respectively, nothing in this subchapter shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), the Boulder Canyon Project Act (45 Stat. 1057) [43 U.S.C. 617 et seq.], Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a) [43 U.S.C. 618 et seq.], section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 620n), the Colorado River Basin Project Act (82 Stat. 885), section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393) [43 U.S.C. 616e], section 15 of the Navajo Indian irrigation project and initial stage of the San Juan-Chama Project Act (76 Stat. 102) [43 U.S.C. 615ww], the National Environmental Policy Act

of 1969 [42 U.S.C. 4321 et seq.], and the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.].

(Pub. L. 93–320, title I, § 207, June 24, 1974, 88 Stat. 274.)

REFERENCES IN TEXT

Sections 620d(d)(5), 1543(g)(2), and 1595(b) of this title, referred to in text, was in the original a reference to ''section 205(b) and 205(d) of this title'', meaning section 205(b) and (d) of title II of Pub. L. 93–320. Section 205(b)(1) is classified to section 1595(b) of this title; section 205(b)(2) amended section 403(g) of the Colorado River Basis Project Act by inserting a new par. (2), which is classified to section 1543(g)(2) of this title; and section 205(d) amended section 5(d) of the Colorado River Storage Project Act by inserting a new par. (5), which is classified to section 620d(d)(5) of this title.

This subchapter, referred to in text, was in the original ''this title'', meaning title II of Pub. L. 93–320, which enacted this subchapter and amended sections 1620d(d) and 1543(g) of this title. For complete classification of title II to the Code, see Tables.

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, which is classified principally to chapter 32 (§ 1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

The Colorado River Storage Project Act, referred to in text, is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.

The Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), and the Water Treaty of 1944, referred to in text, are not classified to the Code.

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618*o* of this title and Tables.

Section 6 of the Fryingpan-Arkansas Project Act [43 U.S.C. 616e] and section 15 of the Navajo Indian irrigation project and initial stage of the San Juan-Chama Project Act [43 U.S.C. 615ww], referred to in text, were omitted from the Code.

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Federal Water Pollution Control Act, as amended, referred to in text, is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

§ 1598. Achieving project objectives

(a) Modification of projects

The Secretary is authorized to provide for modifications of the projects authorized by this subchapter as determined to be appropriate for purposes of meeting the objective of this subchapter. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to appropriate committees of the Congress, except that funds may be expended prior to the expiration of such sixty days in any case in which the Congress approves an earlier date by concurrent resolution. The Governors of the Colorado River Basin States shall be notified of these changes.

(b) Contract authority; authorization of appropriations

The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this subchapter, in advance of the appropriation of funds therefor. There is hereby authorized to be appropriated the sum of $125,100,000 for the construction of the works and for other purposes authorized in section 1592(a) or (b) of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. The funds authorized to be appropriated by this section may be used for construction of any or all of the works or portions thereof and for other purposes authorized in subsection (a) of this section, including measures as provided for in subsection (b) of section 1592 of this title. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(c) Implementation of basinwide salinity control program

In addition to the amounts authorized to be appropriated under subsection (b) of this section, there are authorized to be appropriated $75,000,000 for subsection[1] 1592(a) of this title, including constructing the works described in paragraph[1] 1592(a)(6) of this title and carrying out the measures described in such paragraph.[1] Notwithstanding subsection (b) of this section, the Secretary may implement the program under paragraph[1] 1592(a)(6) of this title only to the extent and in such amounts as are provided in advance in appropriations Acts.

(Pub. L. 93–320, title II, § 208, June 24, 1974, 88 Stat. 274; Pub. L. 98–569, § 5, Oct. 30, 1984, 98 Stat. 2939; Pub. L. 104–20, § 1(3), July 28, 1995, 109 Stat. 256.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (b), is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1894, which is classified generally to chapter 61 (§ 4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

AMENDMENTS

1995—Subsec. (c). Pub. L. 104–20 added subsec. (c).

[1] So in original. Probably should be ''section''.

1984—Subsec. (a). Pub. L. 98–569, § 5(a), struck out ''and not then if disapproved by said committees'' before '', except that funds may be expended''.

Subsec. (b). Pub. L. 98–569, § 5(b)(1), inserted ''(a) or (b)'' after ''1592''.

Pub. L. 98–569, § 5(b)(2), inserted ''The funds authorized to be appropriated by this section may be used for construction of any or all of the works or portions thereof and for other purposes authorized in subsection (a) of this section, including measures as provided for in subsection (b) of section 1592 of this title.''

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–569 effective Oct. 30, 1984, see section 6 of Pub. L. 98–569, set out as a note under section 1591 of this title.

§ 1599. Definitions

As used in this subchapter—

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) ''Colorado River Basin States'' means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

(Pub. L. 93–320, title II, § 209, June 24, 1974, 88 Stat. 275.)

CHAPTER 32B—COLORADO RIVER FLOODWAY

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§ 1600. Findings and purposes

(a) Findings

The Congress finds that—

(1) there are multiple purposes established by law for the dams and other control structures administered by the Secretary of the Interior on the Colorado River;

(2) the maintenance of the Colorado River Floodway established in this chapter is essential to accomplish these multiple purposes;

(3) developments within the Floodway are and will continue to be vulnerable to damaging flows such as the property damage which occurred in 1983 and may occur in the future;

(4) certain Federal programs which subsidize or permit development within the Floodway threaten human life, health, property, and natural resources; and

(5) there is a need for coordinated Federal, State, and local action to limit Floodway development.

(b) Purpose

The Congress declares that the purposes of this chapter are to—

(1) establish the Colorado River Floodway, as designated and described further in this chapter, so as to provide benefits to river users and to minimize the loss of human life, protect health and safety, and minimize damage to property and natural resources by restricting future Federal expenditures and financial assistance, except public health funds, which have the effect of encouraging development within the Colorado River Floodway; and

(2) establish a task force to advise the Secretary of the Interior and the Congress on establishment of the Floodway and on managing existing and future development within the Floodway, including the appropriateness of compensation in specified cases of extraordinary hardship.

(Pub. L. 99–450, § 2, Oct. 8, 1986, 100 Stat. 1129.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 99–450, Oct. 8, 1986, 100 Stat. 1129, known as the Colorado River Floodway Protection Act, which enacted this chapter and section 4029 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Section 1 of Pub. L. 99–450 provided that: ''This Act [enacting this chapter and section 4029 of Title 42, The Public Health and Welfare] may be cited as the 'Colorado River Floodway Protection Act'.''

§ 1600a. Definitions

(a) The term ''Committees'' refers to the Committee on Natural Resources of the United