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REPORT
113–225

CROOKED RIVER COLLABORATIVE WATER SECURITY ACT

JULY 31, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1771]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1771) to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1771 is to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary and to provide water certainty to the City of Prineville, Oregon, other water users, and fish and wildlife.

BACKGROUND AND NEED

The Arthur R. Bowman Dam, administered by the Bureau of Reclamation as part of the Crooked River Project, is located in central Oregon on the Crooked River about 20 miles upstream from the City of Prineville. The Prineville Reservoir associated with the dam has a capacity of 150,200 acre feet. Releases from the dam provide water for irrigated agriculture. The dam, initially authorized as a part of the Crooked River Project by the Act of August 6, 1956 (70 Stat. 1058; chapter 980; 73 Stat. 554; 78 Stat. 954) has as its authorized purposes irrigation and flood control. Agricultural water users have contracted for approximately half of the water in storage. In addition to providing water supplies for agriculture, the project has typically provided releases from the approximately

60,000 to 80,000 acre feet of uncontracted water for downstream fish and wildlife in any given year.

The water supply of Prineville, located in Crook County, Oregon, is insufficient to meet current and future demands. State law prohibits the City from drawing additional groundwater from its existing wells without mitigation. The City seeks to contract for water from Bowman Dam which would remain as instream flows to serve as mitigation for groundwater pumping. However, municipal and industrial water supply is not currently an authorized purpose for the Bowman Dam.

An eight-mile segment of the Lower Crooked River near Prineville was designated as a Wild and Scenic River in 1988. When the Wild and Scenic River boundary was finalized administratively, the centerline of Bowman Dam was used as the upstream terminus of the designation. Having this man-made feature as the terminus of the wild and scenic river segment has proven difficult from a management standpoint, and precludes the siting of any hydroelectric generation facility.

LEGISLATIVE HISTORY

Senators Merkley and Wyden introduced S. 1771 on November 11, 2013. A companion measure, H.R. 2640, was introduced by Congressman Walden on July 10, 2013. H.R. 2640 was reported by the House Committee on Natural Resources on August 10, 2013 (H. Rept. 113–224). The House passed the bill by voice vote on October 29, 2013. The bill was received by the Senate on October 30, 2013, and referred to the Senate Committee on Energy and Natural Resources. The Subcommittee on Water and Power held a hearing on S. 1771 (S. Hrg. 113–284) on February 27, 2014. At its business meeting on June 18, 2014, the Senate Energy and Natural Resources Committee ordered S. 1771 favorably reported without amendment.

In the 112th Congress, Senators Merkley and Wyden introduced similar legislation, S. 3483. The Subcommittee on Water and Power held a hearing on August 19, 2012 (S. Hrg. 112–624).

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 18, 2014, by a roll call vote of 12–10, recommends that the Senate pass S. 1771. The roll call vote on reporting the measure was 12 yeas, 10 nays as follows:

YEAS	NAYS
Ms. Landrieu	Ms. Murkowski
Mr. Wyden	Mr. Barrasso
Mr. Johnson*	Mr. Risch
Ms. Cantwell	Mr. Lee*
Mr. Sanders	Mr. Heller
Ms. Stabenow	Mr. Flake
Mr. Udall*	Mr. Scott*
Mr. Schatz*	Mr. Alexander*
Mr. Franken	Mr. Portman
Mr. Manchin	Mr. Hoeven

Mr. Heinrich
Ms. Baldwin

* Indicates a vote by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 provides a short title.

Section 2 amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)). Subsection (a) designates the Crooked River as the 14.75-mile segment from the National Grassland boundary to Dry Creek, comprised of the 7-mile segment from the National Grassland boundary to River Mile 8 south of Opal Spring and the 7.75-mile segment from a point 1/4-mile downstream from the center crest of Bowman Dam.

Subsection (b) requires applicants for hydropower development licenses to consult with the Bureau of Land Management to analyze and minimize any anticipated impacts to the scenic, recreational, and fishery resource values of the Crooked River along this ¼-mile segment below Bowman Dam, and to ensure that they not impede the free-flowing nature of the Crooked River.

Section 3 amends section 4 of the Act of August 6, 1956 (70 Stat. 1058; 73 Stat. 554; 78 Stat. 954) to allow the annual release of 5,100 acre-feet of water from the project to serve as mitigation for the City of Prineville groundwater pumping. Additional quantities of water may be added at the request of the City of Prineville, consistent with the National Environmental Policy Act of 1969, the Endangered Species Act of 1973 and other applicable Federal laws. This section stipulates that the City of Prineville enter into contracts for any water released from Prineville reservoir for mitigation of municipal groundwater pumping by the City of Prineville.

Section 4 amends the Crooked River Federal reclamation project (70 Stat. 1058; chapter 980; 73 Stat. 554; 78 Stat. 954) to add four new sections. New section 6 requires the Secretary of the Interior to, on a "first fill" priority basis, store in and release from the Prineville Reservoir water to fulfill specified contracts, and additional water shall be carried over to the subsequent year. New section 7 authorizes the Secretary to store in and release from the Prineville Reservoir all remaining stored water quantities for the benefit of downstream fish and wildlife, according to applicable law and to a specified annual release schedule. New section 8 requires the Commissioner of Reclamation to project reservoir water levels and make these projections available to the public, the National Marine Fisheries Service, and the United States Fish and Wildlife Service. New section 9 states that, except as otherwise provided in this Act, nothing in this Act modifies existing contracts or Federal or Oregon State law.

Section 5(a) allows landowners within the Ochoco Irrigation District, Oregon to repay construction costs at any time and ensures that the land shall not be subject to the ownership and full-cost pricing limitations of Federal reclamation law.

Subsection (b) requires the Secretary of Interior to provide certification upon request by a landowner who has repaid in full.

Subsection (c) amends reclamation contracts with the district to authorize the use of water for instream purposes, include within the district boundary 2,742 acres in the vicinity of McKay Creek,

classify as irrigable 685 acres within this included land and authorize the receipt of irrigation water there from the Prineville Reservoir.

Subsection (d) states that, except as otherwise provided in this section, nothing in this section modifies existing contracts or Federal or Oregon State law.

Section 6(a) requires the Bureau of Reclamation to participate in dry-year management planning meetings with interested stakeholders.

Subsection (b) requires the Bureau of Reclamation to develop a dry-year management plan in coordination with these stakeholders that consists only of recommended strategies that the irrigation districts and other Bureau of Reclamation contract holders voluntarily agree to implement.

Subsection (c) allows the Secretary to release any remaining quantity of water not contracted with the Bureau of Reclamation.

Section 7 states that nothing in this Act provides to the Secretary the authority to store and release the "first fill" quantities for any purposes other than the purposes as provided in that section, alters any responsibilities under Oregon State law or Federal law, or alters the authorized purposes of the Crooked River Project.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 1771—Crooked River Collaborative Water Security Act of 2013

S. 1771 would modify features of the Crooked River Project located in central Oregon and prioritize how water from the project would be allocated for different uses. Based on information from the Bureau of Reclamation, CBO estimates that enacting S. 1771 would increase offsetting receipts (which are treated as reductions in direct spending) by $1 million over the 2014–2024 period; therefore, pay-as-you-go procedures apply. The legislation would not affect revenues or spending subject to appropriation.

The main features of the Crooked River Project include the Bowman Dam, the Prineville Reservoir. and the Ochoco Dam and Reservoir located in the Ochoco Irrigation District. Enacting two provisions of S. 1771 would reduce direct spending over the next 10 years. Those provisions would:

- Require the city of Prineville to pay the Bureau of Reclamation for 5,100 acre feet of water to be released annually from the Prineville Reservoir. Based on information from the bureau, CBO estimates that those payments would amount to $1 million over the 2015–2024 period; and
- Authorize landowners in the Ochoco Irrigation District to prepay certain construction costs of the Crooked River Project. Those landowners currently owe the bureau $270,000, and CBO estimates that if they exercised the prepayment option under the bill net receipts to the government would increase by less than $8,000 over the 2015–2024 period.

CBO estimates that implementing other provisions of the bill would have no significant effect on the federal budget.

S. 1771 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would

impose no costs on state, local, or tribal governments. Public entities, such as local governments and irrigation districts, would benefit from greater access to federal water resources and the development of hydropower. Any costs to those entities would be incurred as conditions of federal aid.

On August 2, 2013, CBO transmitted a cost estimate for H.R. 2640, the Central Oregon Jobs and Water Security Act, as ordered reported by the House Committee on Natural Resources on July 24, 2013. The two pieces of legislation are similar and CBO's estimates of their costs are the same.

The CBO staff contacts for this estimate are Aurora Swanson (for federal costs) and Jon Sperl (for the state and local impact). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1771.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information could be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1771, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

This bill, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Reclamation at the Subcommittee on Water and Power hearing on S. 1771 follows:

STATEMENT OF ROBERT QUINT, SENIOR ADVISOR, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

Chairman Schatz and members of the Subcommittee, I am Bob Quint, Senior Advisor at the Bureau of Reclamation (Reclamation). I am pleased to provide the views of the Department of the Interior (Department) on S. 1771, the Crooked River Collaborative Water Security Act of 2013. The provisions of S. 1771 address the Crooked River Wild and Scenic River designation along with water supply concerns relating to Reclamation's Crooked River Project.

The Department supports the goals of correcting the Wild and Scenic River boundary near Bowman Dam and improving Reclamation project operations, where possible, to further enhance water use and availability. We also recognize refinements made since similar companion legislation was heard in the House in June of last year. We be-

lieve that some of the provisions of S. 1771 will advance the goal of water security on the Crooked River, and we offer the following recommendations for improvements to the bill. If the changes summarized below are incorporated to the bill, the Department can support S. 1771.

S. 1771 includes seven sections which address: the Wild and Scenic River designation near Bowman Dam; water supply for the City of Prineville; first fill protection for water in Prineville Reservoir; operating requirements "for the benefit of downstream fish and wildlife"; repayment contract provisions for the Ochoco Irrigation District (District); requirements that Reclamation participate in "dry-year management planning meetings"; and savings clause language clarifying the bill's effect on existing law. This statement summarizes the Department's interest in the most significant provisions of each section.

An eight-mile segment of the Lower Crooked River near Prineville, Oregon was designated as a National Wild and Scenic River in 1988 with enactment of the Omnibus Oregon Wild and Scenic Rivers Act (Public Law 100–557). The Lower Crooked River meanders through canyons of deeply eroded basalt and banks covered with riparian vegetation. A variety of wildlife including river otters, beaver, great blue herons and mule deer inhabit the corridor. A wide-range of recreation opportunities are available along the Lower Crooked River including native trout fishing, camping, hiking and boating.

When the Wild and Scenic River boundary was administratively finalized for this section of the Crooked River, the centerline of Bowman Dam was used as the upstream terminus of the designation. However, the placement of the beginning of the designation within this man-made feature is both counterintuitive and cumbersome to administer. Section 2 of S. 1771 addresses this by moving that upper limit of the designated river one-quarter mile downstream. The Department of the Interior supports the proposed modification of the boundary as a reasonable solution consistent with the original intent of the Wild and Scenic designation. The Department is willing to work with the Sponsor and the Committee to determine the exact placement of the new boundary. Clearly the dam and related facilities were never intended to be included within the wild and scenic river designation.

Section 3 of S. 1771 amends the Act of August 6, 1956 (70 Stat. 1058), by requiring releases to serve as mitigation for groundwater pumping by the City of Prineville. The Department does not oppose the concept of providing releases to mitigate for municipal use of groundwater. We believe the bill's language of "without further action by the Secretary . . ." and its references to applicable Bureau of Reclamation policies, directives and standards to be contradictory and subject to interpretation as to the need for NEPA compliance and a contract. We recommend deleting the words "Without further action by the Secretary of the Interior, beginning on the date of enactment of the Crook-

ed River Collaborative Water Security Act of 2013" and replacing it with, "Upon passage of the Crooked River Collaborative Water Security Act of 2013, the Secretary of the Interior is authorized to contract with the City of Prineville for up to 5,100 acre-feet of water in Prineville Reservoir and upon receipt of required payments may release such water on an annual basis to serve as mitigation . . ."

An additional concern with S. 1771 is the bill's statement that "the Secretary may contract exclusively with the City of Prineville for additional quantities of water, at the request of the City of Prineville." This language would preferentially benefit the City of Prineville and appears to close the door to any potential future irrigation or municipal water contractors of the Crooked River Project (Project).

FIRST FILL STORAGE AND RELEASE

Section 4 of S. 1771 also proposes an entirely new addition to the 1956 Act. The proposed addition would provide existing contractors and others with a "first fill" priority basis, rather than the current situation where both contracted and uncontracted storage space in Prineville Reservoir fill simultaneously. While this provision is not likely to have any immediate effect, it is possible under the proposed first fill priority system that in very dry water years the last fill entity could be shorted. Also, the additional quantity of water reserved for the City of Prineville is not addressed in this section, and Reclamation interprets the bill such that any future quantities of water made available to the City (beyond the 5,100 acre feet) will not be subject to first fill protection and may affect the use of water for the benefit of downstream fish and wildlife.

STORAGE AND RELEASE OF REMAINING STORED WATER QUANTITIES

The Department supports the concept of providing some of the now uncontracted space in the reservoir for fish and wildlife purposes. However, the inserted Section 7(a) requirements to release all remaining stored water quantities for the benefit of downstream fish and wildlife will prevent Reclamation from issuing new contracts.

We note that the bill's language also inserts a Section 7(b) into the 1956 Act which would require that if a consultation under the Endangered Species Act or an order of a court requires releases of stored water from Prineville Reservoir for fish and wildlife, the Secretary shall use uncontracted stored water. Reclamation would interpret this provision to set a new precedent in legislatively prescribing operation of the Crooked River Project. Reclamation interprets this section as altering but not eliminating agency discretion with respect to contract water supplies, therefore, sufficient discretion would remain with respect to the operation of the Project to warrant consultation under Section 7(a)(2) of the Endangered Species Act. The

limit of Reclamation's discretion is not entirely clear, and could be subject to contrary interpretations.

S. 1771 adds a Section 7 (c) to the 1956 Act, requiring the development of "annual release schedules" to maximize biological benefit for downstream fish and wildlife. This subsection also requires consideration of guidance provided on the annual release schedule by the Warm Springs Reservation of Oregon and the State of Oregon and an opportunity for comment and advice on the annual release schedules by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. As in past versions of this bill, Reclamation notes a potential for conflict if the federal, state and tribal management priorities are not aligned. Likewise, the limitation of the use of the reservoir for downstream resources, could cause similar problems if a species were to be listed in or above the Reservoir. As drafted however, Reclamation would interpret the amended Section 7(c) as not to alter Reclamation's obligations under Section 7(a)(2) of the Endangered Species Act.

Section 5 of S. 1771 would provide for early repayment of project construction costs by landowners within the District and the District's participation in conserved water projects of the State of Oregon. The Department fully supports these objectives and has no concerns regarding corresponding language in the bill.

The Department also supports the McKay Creek Exchange Project which has been the subject of periodic discussions between the District and Reclamation and which would provide enhanced instream flows in McKay Creek in exchange for water from a portion of the uncontracted water supply from Prineville Reservoir.

The Department does not see the need for language in Section 6 of S. 1771 requiring that Reclamation participate in "Dry Year Management Planning" meetings and develop a Dry Year Management Plan. Reclamation already has standing authority to provide technical and planning assistance to state, local and tribal government entities under Title II of the Reclamation States Emergency Drought Relief Act (PL 102–250 as amended). This planning authority does not expire, and is not subject to a standing drought declaration being in place in the area of interest. The Drought Act authority is sufficiently broad to cover the topic areas proscribed in Section 6 of S. 1771, without creating a new Congressional reporting burden on the Department. However, if this language remains, we suggest deleting at the end of Section 6(c), "with the voluntary agreement of North Unit Irrigation District and other Bureau of Reclamation contract holders referred to in that paragraph, the Secretary may release that quantity of water for the benefit of downstream fish and wildlife as described in section 7 of that Act." This language limits Reclamation's authority and creates a burdensome requirement that could more efficiently be addressed by requiring entities to contact Reclamation prior to June 1 of any year or the water will be released downstream.

While the Department supports the goals of S. 1771, we believe that the bill would benefit from changes as outlined here. This concludes my written statement. I am pleased to answer questions at the appropriate time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1771, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is in italic, and existing law in which no change is proposed in shown in roman):

WILD AND SCENIC RIVERS ACT

Public Law 90–542 as amended

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes

* * * * * * *

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

* * * * * * *

(72) CROOKED, OREGON.—

(A) IN GENERAL.—The 14.75-mile segment from the National Grassland boundary to Dry Creek, to be administered by the Secretary of the Interior in the following classes:

(i) The 7-mile segment from the National Grassland boundary to River Mile 8 south of Opal Spring, as a recreational river.

(ii) The 7.75-mile segment from a point 1/4-mile downstream from the center crest of Bowman Dam, as a recreational river.

(B) HYDROPOWER.—In any license application relating to hydropower development (including turbines and appurtenant facilities) at Bowman Dam, the applicant, in consultation with the Director of the Bureau of Land Management, shall—

(i) analyze any impacts to the scenic, recreational, and fishery resource values of the Crooked River from the center crest of Bowman Dam to a point 1/4-mile downstream that may be caused by the proposed hydropower development, including the future need to undertake routine and emergency repairs;

(ii) propose measures to minimize and mitigate any impacts analyzed under clause (i); and

(iii) propose designs and measures to ensure that any access facilities associated with hydropower development at Bowman Dam shall not impede the free-flowing nature of the Crooked River below Bowman Dam.

* * * * * * *

ACT OF AUGUST 6, 1956

Public Law 992; Chapter 980 as amended

AN ACT To authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon

* * * * * * *

SEC. 4. In order to promote the preservation and propagation of fish and wildlife in accordance with section 2 of the Act of August 14, 1946 (60 Stat. 1080, 16 U.S.C., sec. 661a), an appropriate screen and fish ladder shall be provided at the diversion canal headworks of the Crooked River project below Prineville Reservoir and a minimum release of ten cubic feet per second shall be maintained from said reservoir for the benefit of downstream fishlife [during those months when there is no other discharge therefrom, but this release may be reduced for brief temporary periods by the Secretary whenever he may find that release of the full ten cubic feet per second is harmful to the primary purpose of the project]. *Without further action by the Secretary of the Interior, beginning on the date of enactment of the Crooked River Collaborative Water Security Act of 2013, 5,100 acre-feet of water shall be annually released from the project to serve as mitigation for City of Prineville groundwater pumping, pursuant to and in a manner consistent with Oregon State law, including any shaping of the release of the water. The City of Prineville shall make payments to the Secretary for the water, in accordance with applicable Bureau of Reclamation policies, directives, and standards. Consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable Federal laws, the Secretary may contract exclusively with the City of Prineville for additional quantities of water, at the request of the City of Prineville.*

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SEC. 6. FIRST FILL STORAGE AND RELEASE.

(a) IN GENERAL.—Other than the 10 cubic feet per second release provided for in section 4, and subject to compliance with the flood curve requirements of the Corps of Engineers, the Secretary shall, on a "first fill" priority basis, store in and when called for in any year release from Prineville Reservoir, whether from carryover, infill, or a combination of both, the following:

(1) 68,273 acre-feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011.

(2) Not more than 2,740 acre-feet of water annually to supply the McKay Creek land, in accordance with section 5 of the Crooked River Collaborative Water Security Act of 2013.

(3) 10,000 acre-feet of water annually, to be made available first to the North Unit Irrigation District, and subsequently to any other holders of Reclamation contracts existing as of January 1, 2011 (in that order), pursuant to Temporary Water Service Contracts, on the request of the North Unit Irrigation District or the contract holders, consistent with the same terms and conditions as prior such contracts between the Bureau of Reclamation and District or contract holders, as applicable.

(4) 5,100 acre-feet of water annually to mitigate the City of Prineville groundwater pumping under section 4, with the release of this water to occur not based on an annual call, but instead pursuant to section 4 and the release schedule developed pursuant to section 7(c).

(b) CARRYOVER.—Except for water that may be called for and released after the end of the irrigation season (either as City of Prineville groundwater pumping mitigation or as a voluntary release, in accordance with section 4 of this Act and section 6(c) of the Crooked River Collaborative Water Security Act of 2013, respectively), any water stored under this section that is not called for and released by the end of the irrigation season in a given year shall be—

(1) carried over to the subsequent water year, which, for accounting purposes, shall be considered to be the 1–year period beginning October 1 and ending September 30, consistent with Oregon State law; and

(2) accounted for as part of the "first fill" storage quantities of the subsequent water year, but not to exceed the maximum "first fill" storage quantities described in subsection (a).

SEC. 7. STORAGE AND RELEASE OF REMAINING STORED WATER QUANTITIES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Other than the quantities provided for in section 4 and the "first fill" quantities provided for in section 6, and subject to compliance with the flood curve requirements of the Corps of Engineers, the Secretary shall store in and release from Prineville Reservoir all remaining stored water quantities for the benefit of downstream fish and wildlife.

(2) REQUIREMENT.—The Secretary shall release the remaining stored water quantities under paragraph (1) consistent with subsection (c).

(b) APPLICABLE LAW.—If a consultation under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or an order of a court in a proceeding under that Act requires releases of stored water from Prineville Reservoir for fish and wildlife downstream of Bowman Dam, the Secretary shall use uncontracted stored water.

(c) ANNUAL RELEASE SCHEDULE.—

(1) IN GENERAL.—The Commissioner of Reclamation shall develop annual release schedules for the remaining stored water quantities in subsection (a) and the water serving as mitigation for City of Prineville groundwater pumping pursuant to section 4.

(2) GUIDANCE.—To the maximum extent practicable and unless otherwise prohibited by law, the Commissioner of Reclamation shall develop and implement the annual release schedules consistent with the guidance provided by the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon to maximize biological benefit for downstream fish and wildlife, after taking into consideration multiyear water needs of downstream fish and wildlife.

(3) COMMENTS FROM FEDERAL FISH MANAGEMENT AGENCIES.—The National Marine Fisheries Service and the United States Fish and Wildlife Service shall have the opportunity to provide advice with respect to, and comment on, the annual re-

lease schedule developed by the Commissioner of Reclamation under this subsection.

(d) REQUIRED COORDINATION.—The Commissioner of Reclamation shall perform traditional and routine activities in a manner that coordinates with the efforts of the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon to monitor and request adjustments to releases for downstream fish and wildlife on an in-season basis as the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon determine downstream fish and wildlife needs require.

(e) CARRYOVER.—

(1) IN GENERAL.—Any water stored under subsection (a) in 1 water year that is not released during the water year—

(A) shall be carried over to the subsequent water year; and

(B)(i) may be released for downstream fish and wildlife resources, consistent with subsections (c) and (d), until the reservoir reaches maximum capacity in the subsequent water year; and

(ii) once the reservoir reaches maximum capacity under clause (i), shall be credited to the "first fill" storage quantities, but not to exceed the maximum "first fill" storage quantities described in section 6(a).

(f) EFFECT.—Nothing in this section affects the authority of the Commissioner of Reclamation to perform all other traditional and routine activities of the Commissioner of Reclamation.

SEC. 8. RESERVOIR LEVELS.

The Commissioner of Reclamation shall—

(1) project reservoir water levels over the course of the year; and

(2) make the projections under paragraph (1) available to—

(A) the public (including fisheries groups, recreation interests, and municipal and irrigation stakeholders);

(B) the Director of the National Marine Fisheries Service; and

(C) the Director of the United States Fish and Wildlife Service.

SEC. 9. EFFECT.

Except as otherwise provided in this Act, nothing in this Act—

(1) modifies contractual rights that may exist between contractors and the United States under Reclamation contracts;

(2) amends or reopens contracts referred to in paragraph (1); or

(3) modifies any rights, obligations, or requirements that may be provided or governed by Federal or Oregon State law.

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