

DTL & WBRP PROGRAM AUTHORITIES THRU DEC 2011

Public Law 107-171 as amended by Public Law 110-246, Section 2807; Public Law 111-85, Section 207; and Public Law 112-74, Title II, Division B, Section 208(a)

Sec. 2507 DESERT TERMINAL LAKES.

(a) TRANSFER. Subject to subsection (b) and paragraph (1) of section 207(a) of Public Law 108-7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary of Agriculture shall transfer \$175,000,000 of the funds of the Commodity Credit Corporation to the Bureau of Reclamation Water and Related Resources Account, which funds shall –

(1) be used by the Secretary of Interior, acting through the Commissioner of Reclamation, to provide water to at-risk natural desert terminal lakes; and

(2) remain available until expended.

(b) PERMITTED USES. *For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants, the fund described in subsection (a) may be used –*

(1) to lease water;

(2) to purchase land, water appurtenant to the land, and related interests; and

(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources.

Public Law 109-103 (as amended by Public Law 111-85, Section 206)

SEC. 208.

(a) ACTION BY SECRETARY.

(1) PROVISION OF FUNDS-

(A) IN GENERAL.-Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary [of the Interior] shall provide not more than \$70,000,000 to the University of Nevada or the National Fish and Wildlife Foundation –

(i) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(ii) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to–

(I) innovative agricultural water conservation;

(II) cooperative programs for environmental restoration;

(III) fish and wildlife habitat restoration; and

(IV) wild horse and burro research and adoption marketing; and

(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out---

(I) under clause (i); and

(II) in conjunction with willing landowners.

(B) NATIONAL FISH AND WILDLIFE FOUNDATION-

(i) DATE OF PROVISION.---The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount---

(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

(II) as soon as practicable after that date of enactment.

(ii) REQUIREMENTS---

(I) IN GENERAL.--- Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(II) EXCEPTIONS--- Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of

subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).

(2) In acquiring interests under paragraph (1)(A) (i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to--

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(A)(ii); and

(B) environmental restoration in the Walker River Basin.

Public Law 111-85: Energy and Water Development Appropriations Act, 2010 (Oct. 28, 2009; 123 Stat. 2845) as amended by **Public Law 112-74, Title II, Division B, Section 208(b)**

Sec. 208.

- (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—
- (1) provide, subject to subsection (b), \$66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and
 - (2) allocate--
 - (A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, \$2,000,000, to remain available until expended, for--
 - (i) the acquisition of land surrounding Independence Lake; and
 - (ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;
 - (B) \$5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101-618; 104 Stat. 3294);
 - (C) \$1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities;
 - (D) \$1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin; and
 - (E) \$5,000,000 to implement the 1996 Truckee River Water Quality Settlement Agreement by acquiring water rights for the benefit of the Truckee River and Pyramid Lake.¹

¹ Funds allocated by this section were reduced from \$45,000,000 [PL 111-85 typo] to \$5,000,000 under PL 111-88 (2010 Interior Appropriations Act, Oct. 30, 2009)

(b) (1) The amount made available under subsection (a)(1) shall be--

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

- (i) \$25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation--
 - (I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and
 - (II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.
- (ii) \$25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268).
- (iii) \$1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.
- (iv) \$10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and manage land, water appurtenant to the land, and related interests acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.
- (v) \$5,000,000 to the University of Nevada, Reno, and the Desert Research Institute--
 - (I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268);
 - (II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and
 - (III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.
- (vi) \$200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon and Mineral Counties, Nevada, that promote water conservation in the Walker River Basin.

(2) (A) Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided--

- (i) in an advance payment of the entire amount--
 - (I) on the date of enactment of this Act; or
 - (II) as soon as practicable after that date of enactment; and
- (ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).