

111TH CONGRESS
1ST SESSION

H. R. _____

To provide for the sustainable use of the Nation's water resources through the coordinated planning of water resources and water infrastructure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the sustainable use of the Nation's water resources through the coordinated planning of water resources and water infrastructure, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Sustainable Watershed Planning Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Goals.
- Sec. 3. Savings clause.
- Sec. 4. Definitions.

TITLE I—STATE WATER RESOURCE PLANNING GRANTS

- Sec. 101. Grants for State Offices of Watershed Planning.
- Sec. 102. Responsibilities.

TITLE II—PILOT REGIONAL WATERSHED PLANNING BOARDS

- Sec. 201. Establishment of Pilot Regional Watershed Planning Boards.
- Sec. 202. Membership.
- Sec. 203. Functions of the regional watershed planning boards.
- Sec. 204. Decisionmaking process.
- Sec. 205. Interagency office.
- Sec. 206. GAO Review.
- Sec. 207. Authorization of appropriations.

TITLE III—OFFICE OF SUSTAINABLE WATERSHED MANAGEMENT

- Sec. 301. Establishment.
- Sec. 302. Functions.
- Sec. 303. Guidelines for regional watershed plans.
- Sec. 304. Actions regarding regional watershed plan.
- Sec. 305. Administrative provisions.
- Sec. 306. Authorization of appropriations.

1 **SEC. 2. GOALS.**

2 (a) IN GENERAL.—The goal of this Act is to establish
3 the Office of Sustainable Watershed Management to as-
4 sess, coordinate, and implement policies and actions to en-
5 sure the sustainable use of the water resources of the
6 United States.

7 (b) MEANS.—The sustainable use of the Nation's
8 water resources shall be achieved—

9 (1) by providing criteria and guidance for co-
10 ordinated investment in water infrastructure;

11 (2) through increased water efficiency, im-
12 proved water quality, and improved ecological health
13 and resiliency through adaptive management and en-
14 hanced system resiliency;

1 (3) through a full accounting of water avail-
2 ability and uses and an improved understanding of
3 the relationships between human needs, hydrologic
4 conditions, and ecological health;

5 (4) through cooperation and partnership by the
6 Federal Government, interstate agencies, States,
7 tribes, localities, stakeholders, and other concerned
8 interests;

9 (5) through consideration of existing and on-
10 going interstate and intrastate water planning ef-
11 forts;

12 (6) through respect for the primary role of
13 States in adjudicating, administering, and regulating
14 water rights and water uses;

15 (7) by identifying whether recommendations are
16 consistent with existing laws, treaties, decrees, and
17 interstate compacts;

18 (8) by identifying duplication among Federal
19 programs and making recommendations to improve
20 coordination among Federal, interstate, State, tribal,
21 and local governments; and

22 (9) by avoiding strategies that increase man-
23 dates on State, tribal, and local governments.

24 **SEC. 3. SAVINGS CLAUSE.**

25 Nothing in this Act affects—

1 (1) the jurisdiction or responsibility of a State
2 with respect to managing surface or groundwater re-
3 sources in the State, including State water law;

4 (2) the water rights of any person or entity
5 using water from a transboundary aquifer; or

6 (3) an interstate compact or international trea-
7 ty governing water.

8 **SEC. 4. DEFINITIONS.**

9 In this Act, the following definitions apply:

10 (1) ADMINISTRATOR.—The term “Adminis-
11 trator” means the Administrator of the Environ-
12 mental Protection Agency.

13 (2) AGENCY.—The term “Agency” means the
14 Environmental Protection Agency.

15 (3) DIRECTOR.—The term “Director” means
16 the Director of the Office of Sustainable Watershed
17 Management established in section 301.

18 (4) ECOSYSTEM SERVICES.—The term “eco-
19 system services” means the benefits people obtain
20 from ecosystems, which include—

21 (A) provisioning services, such as food and
22 water;

23 (B) regulating services, such as flood and
24 disease control;

1 (C) cultural services, such as spiritual, rec-
2 reational, and cultural benefits; and

3 (D) supporting services, such as nutrient
4 cycling, that maintain the conditions for human
5 and aquatic life.

6 (5) OFFICE.—The term “Office” means the Of-
7 fice of Sustainable Watershed Management estab-
8 lished in section 301.

9 (6) REGIONAL WATERSHED PLANNING
10 BOARD.—The term “regional watershed planning
11 board” means a pilot regional watershed planning
12 board established under title II.

13 (7) RESILIENCY.—The term “resiliency” means
14 the ability of a system to resist or recover from dis-
15 turbance and to preserve diversity, productivity, and
16 sustainability.

17 (8) STATE.—The term “State” means a State,
18 the District of Columbia, the Commonwealth of
19 Puerto Rico, the Virgin Islands, Guam, the Com-
20 monwealth of the Northern Mariana Islands, Amer-
21 ican Samoa, and the Trust Territory of the Pacific
22 Islands.

23 (9) WATER EFFICIENCY.—The term “water ef-
24 ficiency” means the use of improved technologies

1 and practices to deliver equal or better services with
2 less water.

3 **TITLE I—STATE WATER**
4 **RESOURCE PLANNING GRANTS**

5 **SEC. 101. GRANTS FOR STATE OFFICES OF WATERSHED**
6 **PLANNING.**

7 (a) IN GENERAL.—The Administrator, acting on behalf
8 of the Director, may make grants to a State in accordance
9 with subsection (b) to assist the State in the development of
10 water resource plans consistent with this Act.

11 (b) DUTIES OF THE DIRECTOR.—In order to carry
12 out the grant program established under this section, the
13 Director shall—

14 (1) develop criteria for grant awards;

15 (2) develop an application procedure;

16 (3) in accordance with subsection (d), deter-
17 mine the permissible uses for grant funds under this
18 section;

19 (4) select the recipients of grants, the amount
20 of each grant, ~~and the permissible use of each grant~~
21 ~~awarded under this section~~ in accordance with the
22 requirements in subsections (c); and

23 (5) not later than 5 business days after select-
24 ing recipients under paragraph (4), transfer

1 amounts made available under this section to the
2 Administrator for distribution to such recipients.

3 (e) DISTRIBUTION OF STATE WATERSHED PLAN-
4 NING GRANTS.—

5 (1) AMOUNT.—The Administrator may award a
6 grant of up to \$500,000 per fiscal year to a State
7 selected by the Director under subsection (b)(4) for
8 State water resource planning activities.

9 (2) ADDITIONAL GRANT FUNDS; COST SHARE.—

10 (A) ADDITIONAL GRANT FUNDS.—Not-
11 withstanding paragraph (1), the Administrator
12 may award an additional grant of up to
13 \$1,500,000 per fiscal year to a State if the Di-
14 rector determines that the State is capable of
15 utilizing additional funds to further the pur-
16 poses of this Act.

17 (B) COST SHARE REQUIREMENT.—In
18 order to be eligible for an additional grant
19 under subparagraph (A), the State must certify
20 to the Administrator that it will provide an
21 amount equal to the grant awarded under sub-
22 paragraph (A) from State funds for the State
23 water resources planning activities under this
24 Act.

1 (C) MAINTENANCE OF EFFORT.—The Di-
2 rector may not award a grant to a State under
3 this section for a fiscal year unless the State
4 certifies that the aggregate expenditure of
5 funds of the State, exclusive of Federal funds,
6 for water resources planning activities will be
7 maintained at a level that does not fall below
8 the average level of such expenditure for the
9 preceding 2 fiscal years of the State.

10 (3) LIMITATION.—The Director shall give
11 preference for grants to any State which is
12 participating in the regional watershed planning
13 board activities under [section ____] for watersheds
14 within its State.

15 (4) APPLICATION.—A State shall submit an ap-
16 plication at such time, in such form, and with such
17 information and assurances as required by the Di-
18 rector.

19 (d) USE OF STATE WATERSHED PLANNING
20 GRANTS.—

21 (1) IN GENERAL.—Grants provided under this
22 section may be used—

23 (A) to establish or enlarge a state office of
24 watershed planning;

1 (B) for studies concerning the sustainable
2 use of waters contained within or bordering a
3 State, including a focus on water quality, water
4 efficiency, and maintaining or improving eco-
5 logical health and restoration;

6 (C) to develop a regional watershed plan;
7 or

8 (D) to implement State elements of a re-
9 gional watershed plan relating to the sustain-
10 able use of waters for water quality, water effi-
11 ciency, and maintaining or improving ecological
12 health and restoration.

13 (2) LIMITATION.—Implementation of a plan
14 does not include the study, design, or construction of
15 a project identified in a regional watershed plan.

16 (e) ANNUAL DETERMINATION OF ELIGIBILITY.—

17 (1) DETERMINATION.—For each year of a
18 grant, not later than 270 days after the date on
19 which a State first receives grant funds for such
20 year, the Director shall determine whether the State
21 has made sufficient progress during the year to jus-
22 tify additional funding.

23 (2) EFFECT OF DETERMINATION.—If the Di-
24 rector determines under paragraph (1) that the
25 progress of a State during the year covered by the

1 determination justifies additional funding, the Ad-
2 ministrator shall provide to the State grant funds
3 for the following year.

4 (3) GRANT CONDITION.—Following the receipt
5 of a grant under this section, the Director shall en-
6 sure that a State is substantially complying with its
7 obligations to develop or implement a regional water-
8 shed plan as a condition of receipt of a grant.

9 (f) MONITORING AND AUDITING.—The Director and
10 the Administrator jointly shall monitor and audit the use
11 of funds under this section.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Director to carry out
14 this section \$100,000,000 for each of the fiscal years 2010
15 through 2020. Such sums shall remain available until ex-
16 pended.

17 **SEC. 102. RESPONSIBILITIES.**

18 A State office of watershed planning shall have the
19 following responsibilities related to each regional water-
20 shed planning board whose boundaries encompass any
21 portion of the State:

22 (1) Provide information, as necessary, to each
23 regional watershed planning board.

24 (2) Participate in meetings of each regional wa-
25 tershed planning board.

1 (3) Subject to existing Federal or State law,
2 implement a regional watershed plan for the water-
3 shed or watersheds located within the State.

4 (4) Assist State agencies, local governments,
5 and other entities in assessing State water resources
6 uses and needs and implementing water resource
7 management strategies within the State.

8 (5) Resolve intrastate water resource conflicts.

9 **TITLE II—PILOT REGIONAL**
10 **WATERSHED PLANNING BOARDS**

11 **SEC. 201. ESTABLISHMENT OF PILOT REGIONAL WATER-**
12 **SHED PLANNING BOARDS.**

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—Not later than 4 years after
15 the date of enactment of this Act, the Director shall
16 identify 10 regional watersheds in which to establish
17 voluntary pilot regional watershed planning boards.

18 (2) SIZE.—Watersheds eligible to participate in
19 the program under paragraph (1) shall not be small-
20 er than the boundaries defined by the 4-digit hydro-
21 logic unit code level, as defined by the United States
22 Geological Survey.

23 (b) FINANCIAL ASSISTANCE.—The Administrator, ac-
24 ting on behalf of the Director, shall provide financial as-

1 sistance under section _____ to provide for the estab-
2 lishment of pilot regional watershed planning boards.

3 (c) DUTIES OF THE DIRECTOR.—In carrying out the
4 responsibilities under this section, the Director shall—

5 (1) determine the requirements for recipients of
6 grants under this section, including application re-
7 quirements;

8 (2) pursuant to subsection (a), determine the
9 recipients of grants under this section;

10 (3) pursuant to section (203), determine the
11 permissible uses for grant funds awarded under this
12 section;

13 (4) determine whether grants may be used for
14 regional watershed plan development;

15 (5) determine whether grants may used for plan
16 implementation if the Director determines a plan
17 substantially meets the criteria in section 203(b)(2);

18 (6) establish priorities for uses of funds for
19 grant recipients under this section; and

20 (7) not later than 5 business days after making
21 the determinations under paragraphs (1) through
22 (6), transfer amounts made available under this sec-
23 tion to the Administrator for distribution to the re-
24 cipients of grants determined by the Director under
25 paragraph (2).

1 (d) DUTIES OF THE ADMINISTRATOR.—The Admin-
2 istrator shall distribute grant funds under this section to
3 the recipients determined by the Director under subsection
4 (c)(2).

5 (e) MONITORING AND AUDITING.—The Director and
6 the Administrator jointly shall monitor and audit the use
7 of funds under this section.

8 **SEC. 202. MEMBERSHIP.**

9 (a) IN GENERAL.—Each regional watershed planning
10 board established under section 201 shall be composed of
11 representatives appointed as follows:

12 (1) Representatives of such Federal depart-
13 ments and agencies as the Director considers appro-
14 priate with consultation from the States.

15 (2) One representative from each State which
16 lies wholly or partially within the watershed for
17 which the regional watershed planning board is es-
18 tablished, with such representative to be designated
19 by the chief executive of such State.

20 (3) One representative to be appointed by any
21 interstate agency created by an interstate compact
22 to which the consent of Congress has been given and
23 whose jurisdiction extends to the watershed for
24 which the regional watershed planning board is es-
25 tablished.

1 (4) At the discretion of the President, one rep-
2 representative to be designated by the President from
3 the United States representation on any inter-
4 national commission created by a treaty to which the
5 consent of the Senate has been given and whose ju-
6 risdiction extends to the watershed for which the re-
7 gional watershed planning board is established.

8 (5) One representative from a federally-recog-
9 nized Indian tribe with tribal rights that extend to
10 the watershed for which the regional watershed plan-
11 ning board is established, and such additional tribal
12 representation as the Secretary of the Interior deter-
13 mines appropriate.

14 (6) Representatives from local governments, in-
15 cluding political subdivisions, with jurisdiction over
16 an area that lies wholly or partially within the wa-
17 tershed for which the pilot regional water planning
18 board is established, with such representatives to be
19 appointed jointly by the board co-chairs and taking
20 into account the geographic distribution and geo-
21 graphic diversity of the watershed and population
22 centers.

23 (7) Representatives from nongovernmental enti-
24 ties that are involved in using or protecting or are
25 affected by water resources in the watershed, includ-

1 ing, as appropriate for the watershed, representa-
2 tives from navigation, flood control, irrigated agri-
3 culture, municipal wastewater, municipal drinking
4 water, groundwater, conservation and recreation
5 groups, environmental groups, ranching, and local
6 utilities, to be appointed jointly by the board co-
7 chairs and taking into account geographic distribu-
8 tion and geographic diversity of the watershed and
9 the varied interests that both use and protect and
10 are affected by water resources in the watershed.

11 (b) CO-CHAIRPERSONS.—

12 (1) APPOINTMENT.—Each regional watershed
13 planning board shall be co-chaired by one Federal
14 representative and one State representative and se-
15 lected as follows:

16 (A) The Federal co-chairperson shall be se-
17 lected by the Director.

18 (B) The State co-chairperson shall be se-
19 lected by the State representatives of the re-
20 gional watershed planning board.

21 (2) ROTATION.—The co-chairpersons shall ro-
22 tate biennially, with the Federal co-chairperson re-
23 placement being named during even-numbered years
24 and the State co-chairperson replacement being
25 named during odd-numbered years.

1 (c) VACANCIES.—Vacancies in a regional watershed
2 planning board shall not affect its powers but shall be
3 filled in the same manner in which the original appoint-
4 ments were made. The co-chairpersons may designate al-
5 ternates to act for them during temporary absences.

6 **SEC. 203. FUNCTIONS OF THE REGIONAL WATERSHED**
7 **PLANNING BOARDS.**

8 (a) ASSESSMENTS.—

9 (1) USES AND NEEDS.—Each regional water-
10 shed planning board shall assess and report on
11 water resources uses and flows in its watershed by
12 identifying throughout the watershed such uses, in-
13 cluding applicable water resource needs for water
14 quality, ecological health and resiliency, habitat,
15 drinking water supply, flood control, navigation,
16 recreation, agriculture, ecosystem services, ground-
17 water recharge, and groundwater use, and shall in-
18 clude in each assessment flood risks and trends for
19 water quality and supply, including wastewater in-
20 frastructure uses of water resources and water stor-
21 age, for—

22 (A) current primary water resource uses;

23 (B) current water resource needs for pri-
24 mary water resources uses;

1 (C) anticipated primary water resource
2 uses; and

3 (D) anticipated water resource needs for
4 anticipated water resource uses.

5 (2) CURRENT PROGRAMS.—Each regional wa-
6 tershed planning board shall assess current water
7 management programs of the Federal, interstate,
8 State, tribal, and local governments and non-govern-
9 mental entities in the watershed.

10 (3) RESILIENCY.—In carrying out each assess-
11 ment conducted under paragraphs (1) and (2), each
12 regional watershed planning board shall review and
13 identify the condition and resiliency of watershed
14 systems, including—

15 (A) flow variability necessary to support
16 the health of aquatic ecosystems throughout the
17 watershed both at the time of the assessment
18 and in the future;

19 (B) variable climactic and hydrological
20 conditions; and

21 (C) impacts due to climate change and a
22 quantification of such impacts.

23 (b) WATERSHED PLAN.—

24 (1) IN GENERAL.—Each regional watershed
25 planning board shall use the assessment conducted

1 under subsection (a) to produce a watershed plan for
2 the succeeding 15-year period for conserving and
3 utilizing the water resources of the watershed
4 through increased water efficiency, increased water
5 quality, and improved ecological health and resil-
6 iency for Federal, interstate, State, tribal, and local
7 governmental and non-governmental stakeholder ac-
8 tions with regard to water resource decisions across
9 the watershed.

10 (2) CONTENTS.—Each such watershed plan
11 shall—

12 (A) provide guidance and criteria for water
13 resource infrastructure projects;

14 (B) describe the various water resource
15 uses and needs in the watershed, including
16 water quality, ecological health and resiliency,
17 habitat, drinking water supply, flood risk man-
18 agement, navigation, recreation, agriculture,
19 ecosystem services, groundwater recharge, and
20 groundwater use;

21 (C) describe existing as well as projected
22 climactic and hydrologic conditions in and on
23 the watershed;

24 (D) describe the roles of Federal, inter-
25 state, State, tribal, and local governmental and

1 nongovernmental stakeholders in implementing
2 water resource projects, programs, policies, and
3 activities;

4 (E) describe methods to provide for, to the
5 maximum extent practicable, the integration of
6 projects for flood control and water supply, in-
7 cluding recommendations for capturing excess
8 water and flood water for conservation and
9 reuse;

10 (F) describe long-term priorities for the
11 collection and analysis of basic data;

12 (G) describe all available technologies and
13 other methods to optimize water resource reli-
14 ability, availability, and quality while safe-
15 guarding and enhancing the environment;

16 (H) describe financing options, incentives,
17 and opportunities for—

18 (i) the implementation of such plan;

19 (ii) holistically designed water re-
20 source infrastructure projects; and

21 (iii) increased use of nonstructural
22 elements (including green infrastructure
23 and low impact development techniques);

24 (I) describe options to promote the use of,
25 and reduce biases against, nonstructural ele-

1 ments (including green infrastructure and low
2 impact development techniques) when managing
3 stormwater, including features that—

4 (i) preserve and restore natural proc-
5 esses, landforms (such as flood plains),
6 natural storage, natural vegetated stream-
7 side buffers, wetlands, or other similar top-
8 ographical features;

9 (ii) utilize natural design techniques
10 that encourage infiltration, filtration, stor-
11 age, evaporation, and detention of water
12 close to its source; and

13 (iii) minimize the use of impervious
14 surfaces;

15 (J) describe strategies for the implementa-
16 tion of the plan that avoid and minimize ad-
17 verse impacts to aquatic ecosystems;

18 (K) describe opportunities and strategies
19 to restore aquatic ecosystems;

20 (L) include a watershed strategy that, to
21 the maximum extent practicable, supports water
22 resource decisions that will increase water effi-
23 ciency, improve water quality, and improve eco-
24 logical health and resiliency across the water-
25 shed by—

1 (i) evaluating, selecting, and
2 prioritizing projects, programs, policies,
3 and activities with the greatest opportunity
4 for enhancing resiliency in watershed uses
5 and needs;

6 (ii) recommending actions to Federal,
7 interstate, State, tribal, and local govern-
8 ments and non-governmental stakeholders
9 to carry out recommended projects, pro-
10 grams, policies, and activities; and

11 (iii) requiring that Federal projects
12 maximize ecological benefits;

13 (M) include an evaluation of all reasonable
14 alternative means of achieving sustainable man-
15 agement of water resources in the watershed;

16 (N) consider and, to the maximum extent
17 practicable, integrate existing and ongoing
18 interstate and intrastate water planning efforts;
19 and

20 (O) be consistent with the requirements of,
21 incorporate existing and ongoing plans devel-
22 oped under, and, to the maximum extent prac-
23 ticable, enhance the goals identified in existing
24 or ongoing plans developed under sections
25 604(b), 205(j), 208, 303(e) and 319 of the

1 Federal Water Pollution Control Act (33 U.S.C.
2 1251 et seq.).

3 (3) PUBLIC COMMENT PERIOD.—Each regional
4 watershed planning board shall release the proposed
5 regional watershed plan for public comment for not
6 less than a 30-day period before submission to the
7 Director. Such board may make revisions to the plan
8 after such period and before submission to the Di-
9 rector.

10 (4) SUBMISSION OF PLAN.—

11 (A) IN GENERAL.—Each regional water-
12 shed planning board shall prepare and submit
13 to the Director a new or revised watershed
14 plan.

15 (B) ADDITIONAL RECOMMENDATIONS.—
16 The regional watershed planning board shall
17 submit to the Director, at the time of submit-
18 ting such plan, any recommendations it may
19 have for continuing the functions of the re-
20 gional watershed planning board and imple-
21 menting the plan, including the means of keep-
22 ing the plan current.

23 (c) STUDIES.—In carrying out the assessment under
24 subsection (a) and the plan under subsection (b), each re-
25 gional watershed planning board shall—

1 (1) use existing studies and assessments as ap-
2 plicable to the watershed, including, to the extent
3 practicable, using existing plans, data, and analysis
4 provided by State, tribal, and local governments; and

5 (2) conduct such additional studies as may be
6 necessary, including studies of projected impacts on
7 the watershed as a function of anticipated climactic
8 and hydrologic changes.

9 (d) INPUT.—Each regional watershed planning board
10 may consider information received, as appropriate, from
11 relevant stakeholders in the watershed, including Federal,
12 interstate, State, tribal, and local governments and non-
13 governmental entities.

14 **SEC. 204. DECISIONMAKING PROCESS.**

15 (a) CONSENSUS-BASED PROCESS.—The co-chair-
16 persons shall ensure, to the extent practicable, that deci-
17 sions made by the regional watershed planning board are
18 reached via a consensus of all representatives.

19 (b) LACK OF CONSENSUS.—

20 (1) IN GENERAL.—In the event consensus can-
21 not be reached by the full regional watershed board,
22 the co-chairs may initiate an alternative consensus
23 decision process.

24 (2) MEMBERSHIP.—Membership shall be com-
25 prised of one representative from each state on the

1 regional watershed board and one federal participant
2 representing all participating federal agencies.

3 (3) NEGOTIATION.— The members of this al-
4 ternative consensus process shall negotiate a final
5 consensus position.

6 (c) RECORD.—In the event no plan is produced, or
7 there is a lack of consensus on the final plan, the co-chair-
8 persons shall ensure that all board representative views
9 are made public.

10 (d) FINAL AUTHORITY.—The co-chairpersons shall
11 have the final authority to fix the times and places for
12 meetings, to set deadlines for the submission of annual
13 and other reports, to establish subcommittees, and to de-
14 cide such other procedural questions as may be necessary
15 for the regional watershed planning board to perform its
16 functions.

17 (e) PUBLIC MEETINGS.—The regional watershed
18 planning board shall ensure that all meetings are open to
19 the public.

20 **SEC. 205. INTERAGENCY OFFICE.**

21 (a) IN GENERAL.—Each regional watershed planning
22 board shall establish and maintain a permanent office
23 within the watershed.

24 (b) STAFF SERVICES.—Staff from Federal depart-
25 ments and agencies assigned to a regional watershed plan-

1 ning board shall, to the extent feasible, be located within
2 the offices established under subsection (a) and shall pro-
3 vide the following services:

4 (1) Distribute materials related to water re-
5 sources assessment and planning, including policy-
6 relevant scientific information, research products,
7 decision tools, and technical support, to Federal de-
8 partments and agencies, interstate, State, tribal, and
9 local governments, and non-governmental stake-
10 holders.

11 (2) Manage administrative responsibilities for
12 the regional watershed planning board.

13 **SEC. 206. GAO REVIEW.**

14 Not later than 4 years after the establishment of the
15 regional watershed planning boards under this title, the
16 Comptroller General shall evaluate each regional water-
17 shed planning board. The evaluations shall—

18 (1) assess the status of each regional watershed
19 planning board's activities;

20 (2) assess whether the goals of each regional
21 watershed planning board's plan meet the goals of
22 this Act;

23 (3) assess whether the goals of each regional
24 watershed plan have been met;

1 (4) assess whether the goals of this Act have
2 been met in each participating watershed; and

3 (5) provide recommendations in order to ad-
4 dress issues and needs demonstrated in each Gov-
5 ernment Accountability Office evaluation.

6 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated to carry out the provisions of this title
9 \$150,000,000 per fiscal year.

10 **TITLE III—OFFICE OF SUSTAIN-**
11 **ABLE WATERSHED MANAGE-**
12 **MENT**

13 **SEC. 301. ESTABLISHMENT.**

14 (a) IN GENERAL.—There is established in the Execu-
15 tive Office of the President an Office of Sustainable Wa-
16 tershed Management (in this Act referred to as the “Of-
17 fice”).

18 (b) DIRECTOR.—

19 (1) ESTABLISHMENT.—There is established the
20 position of the Director of the Office, who shall be
21 the head of the Office.

22 (2) APPOINTMENT.—

23 (A) IN GENERAL.—The President, by and
24 with the advice and consent of the Senate, shall

1 appoint the Director, who shall serve at the
2 pleasure of the President.

3 (B) QUALIFICATIONS.—The Director shall
4 be a person who, as a result of education, expe-
5 rience, and accomplishments, is exceptionally
6 well qualified to—

7 (i) analyze and interpret information
8 and policies related to water resources;

9 (ii) evaluate projects, programs, poli-
10 cies, and activities of the Federal Govern-
11 ment in light of the policy set forth in this
12 Act;

13 (iii) be conscious of and responsive
14 to—

15 (I) the scientific, economic, and
16 environmental needs of the Nation;
17 and

18 (II) the roles and responsibilities
19 of Federal, interstate, State, tribal,
20 and local governments and nongovern-
21 mental organizations with respect to
22 water resources; and

23 (iv) formulate, recommend, and pro-
24 mote national policies that encourage the

1 sustainable use of the Nation's water re-
2 sources.

3 (3) COMPENSATION.—To the extent or in the
4 amounts provided in advance in appropriations Acts,
5 the Director shall be paid at the rate of basic pay
6 for Level II of the Executive Schedule.

7 (4) DUTIES.—The Director shall advise and as-
8 sist the President in carrying out the policies and
9 programs of the Federal Government affecting sus-
10 tainable water resources management.

11 **SEC. 302. FUNCTIONS.**

12 The Director shall perform each of the following
13 functions:

14 (1) Develop a national water resource policy
15 that reflects the goals identified in this Act in con-
16 sultation with relevant Federal agencies, including
17 the Environmental Protection Agency, the Army
18 Corps of Engineers, the Department of Interior, the
19 National Oceanic and Atmospheric Administration,
20 and the Natural Resource Conservation Service.

21 (2) Evaluate information on an ongoing basis
22 to—

23 (A) summarize the water resources uses
24 and needs in each area from information pro-
25 vided by a regional watershed planning board

1 under [section _____], including the national
2 interest therein, including water quality, eco-
3 logical health and resiliency, habitat, drinking
4 water supply, flood risk reduction, navigation,
5 hydropower, agriculture, ecosystem services,
6 recreation, groundwater recharge, and ground-
7 water use; and

8 (B) assess the relationship of regional wa-
9 tershed plans submitted under [section
10 _____] to the requirements of larger regions
11 of the United States and the adequacy of exist-
12 ing procedures for coordination of water re-
13 sources policies to address water resources uses
14 and needs.

15 (3) Assist in the coordination and resolution of
16 conflicts among the Federal departments and agen-
17 cies of those projects, programs, policies, and activi-
18 ties to ensure the sustainable use of water resources
19 by increasing water efficiency, improving water qual-
20 ity, and improving ecological health and resiliency.

21 (4) Review the adequacy of existing systems for
22 monitoring and predicting changes in water re-
23 sources to ensure effective coverage by such systems.

1 (5) Review the adequacy of existing research fa-
2 cilities and other resources to ensure the efficient
3 use of such facilities and resources.

4 (6) Identify and prioritize a national water re-
5 source research agenda.

6 (7) Promote the advancement of scientific
7 knowledge of the effects of human actions on the
8 Nation's water resources and encourage the develop-
9 ment of the scientific knowledge necessary to pre-
10 vent or reduce adverse effects to the sustainable use
11 of water resources.

12 (8) Collect, collate, analyze, and interpret data
13 on sustainable water resources management.

14 (9) Identify means to foster long-range water
15 resource and infrastructure planning.

16 (10) Identify means to protect and restore the
17 health and resiliency of aquatic ecosystems.

18 (11) Provide funding to States to establish
19 state offices of watershed planning through grants,
20 as authorized in **[section 301]** of this Act.

21 (12) Upon request, facilitate the resolution of
22 interstate water conflicts.

23 (13) Upon request, facilitate the resolution of
24 conflicts between regional watershed planning
25 boards.

1 (14) Report to Congress biennially on the policy
2 developed under paragraph (1) and the evaluation
3 carried out under paragraph (2) and summarize the
4 findings from the functions carried out pursuant to
5 paragraphs (3) through (13).

6 **SEC. 303. GUIDELINES FOR REGIONAL WATERSHED PLANS.**

7 (a) **ESTABLISHMENT.**—The Director shall establish
8 principles, guidelines, and procedures for the development
9 of comprehensive regional watershed plans by regional wa-
10 tershed planning boards, as required under [section
11 _____].

12 (b) **REVISIONS.**—Such procedures may include over-
13 sight of and revisions to the portions of a regional water-
14 shed plan involving Federal programs, policies, and activi-
15 ties.

16 (c) **EVALUATION REQUIREMENT.**—The Director, shall
17 utilize the revised Army Corps of Engineers Principles and
18 Guidelines referenced in section 2031(b) of the Water
19 Resources Development Act of 2007 (121 Stat. 1082) for
20 the evaluation of water resource projects, programs,
21 policies, and activities in the context of regional watershed
22 plans.

23

1 **SEC. 304. ACTIONS REGARDING REGIONAL WATERSHED**

2 **PLAN.**

3 Following receipt of a completed regional watershed
4 plan, the Director shall—

5 (1) review recommendations from regional wa-
6 tershed planning boards for Federal policy, regu-
7 latory, or legislative changes to better and more fully
8 implement such watershed plans;

9 (2) submit recommendations to the President of
10 any such policy, regulatory, budgetary, or legislative
11 changes that the Director finds necessary to imple-
12 ment regional watershed plans or to fulfill the goals
13 of this Act, including increased water efficiency, im-
14 proved water quality, and improved ecological health
15 and resiliency; and

16 (3) to the extent consistent with applicable
17 laws, direct adjustment of Federal projects, pro-
18 grams, policies, and activities in accordance with the
19 regional watershed plan and any applicable State
20 watershed plan that serve as the basis for such
21 State's water resource management and financing
22 program which receives implementation grant funds
23 **[in section _____].**

24 **SEC. 305. ADMINISTRATIVE PROVISIONS.**

25 (a) **CONTRACT AUTHORITY.**—To the extent or in the
26 amounts provided in advance in appropriation Acts, the

1 Director may contract with and compensate government
2 and private agencies or persons without regard to section
3 3709 of the Revised Statutes (41 U.S.C. 5) or section
4 3324(a) and (b) of title 31, United States Code.

5 (b) STAFF.—

6 (1) AUTHORIZATION.—The Director may ap-
7 point and fix the pay of additional personnel as the
8 Director considers appropriate to carry out this Act.

9 (2) EXPERTS.—The Director may employ and
10 fix the compensation of such experts and consultants
11 as may be necessary for carrying out this Act in ac-
12 cordance with section 3109(b) of title 5, United
13 States Code.

14 (3) VOLUNTARY SERVICES.—Notwithstanding
15 section 1342 of title 31, United States Code, the Di-
16 rector may accept and employ voluntary and uncom-
17 pensated services to carry out this Act.

18 (4) STAFF OF FEDERAL AGENCIES.—Upon re-
19 quest of the Director, the head of any Federal de-
20 partment or agency may detail, on a reimbursable
21 basis, any of the personnel of that department or
22 agency to the Office to assist the Director in car-
23 rying out this Act.

1 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

- 2 There are authorized to be appropriated \$30,000,000
3 per fiscal year to carry out the provisions of this title.