

Amendment offered by Rep. Jim Costa

Amendment description

The amendment would strike Subtitle A and insert the Headwaters Protection Act.

AMENDMENT

OFFERED BY MR. COSTA OF CALIFORNIA

Strike subtitle A.

At the end of section 10105, add the following:

1 (e) WATER SOURCE PROTECTION PROGRAM.—Sec-
2 tion 303 of the Healthy Forests Restoration Act of 2003
3 (16 U.S.C. 6542(g)(4)(B)) is amended—

4 (1) in subsection (a)—

5 (A) by redesignating paragraphs (1)
6 through (7) as paragraphs (2) through (8), re-
7 spectively;

8 (B) by inserting before paragraph (2), as
9 so redesignated, the following:

10 “(1) ADJACENT LAND.—The term ‘adjacent
11 land’ means non-Federal land, including State, local,
12 and private land, that is adjacent to, and within the
13 same watershed as, National Forest System land on
14 which a watershed protection and restoration project
15 is carried out under this section.”; and

16 (C) in paragraph (2), as so redesignated—

1 (i) by redesignating subparagraphs
2 (G) and (II) as subparagraphs (K) and
3 (L), respectively; and

4 (ii) by inserting after subparagraph
5 (F) the following:

6 “(G) an acequia association;

7 “(II) a local, regional, or other public enti-
8 ty that manages stormwater or wastewater re-
9 sources or other related water infrastructure;

10 “(I) a land-grant mercedes;

11 “(J) a local, regional, or other private enti-
12 ty that has water delivery authority;”;

13 (2) in subsection (b)—

14 (A) by striking “The Secretary shall” and
15 inserting the following:

16 “(1) IN GENERAL.—The Secretary shall”; and

17 (B) by adding at the end the following:

18 “(2) REQUIREMENTS.—A watershed protection
19 and restoration project under the Program shall be
20 designed to—

21 “(A) protect and restore watershed health,
22 water supply and quality, a municipal or agri-
23 cultural water supply system, and water-related
24 infrastructure;

1 “(B) protect and restore forest health from
2 insect infestation and disease or wildfire; or

3 “(C) advance any combination of the pur-
4 poses described in subparagraphs (A) and (B).

5 “(3) PRIORITIES.—In selecting watershed pro-
6 tection and restoration projects under the Program,
7 the Secretary shall give priority to projects that
8 would—

9 “(A) provide risk management benefits as-
10 sociated with: drought; wildfire; post-wildfire
11 conditions; extreme weather; flooding; resilience
12 to climate change; and watershed and fire resil-
13 ience, including minimizing risks to watershed
14 health, water supply and quality, and water-re-
15 lated infrastructure, including municipal and
16 agricultural water supply systems;

17 “(B) support aquatic restoration and con-
18 servation efforts that complement existing or
19 planned forest restoration or wildfire risk re-
20 duction efforts; or

21 “(C) provide quantifiable benefits to water
22 supply or quality and include the use of nature-
23 based solutions, such as restoring wetland and
24 riparian ecosystems.

1 “(4) CONDITIONS FOR PROJECTS ON ADJACENT
2 LAND.—

3 “(A) IN GENERAL.—No project or activity
4 may be carried out under this section on adja-
5 cent land unless the owner of the adjacent land
6 agrees in writing that the owner is a willing and
7 engaged partner in carrying out that project or
8 activity.

9 “(B) EFFECT.—Nothing in this section
10 shall be construed to authorize any change in—

11 “(i) the ownership of adjacent land on
12 which a project or activity is carried out
13 under this section; or

14 “(ii) the management of adjacent land
15 on which a project or activity is carried out
16 under this section, except during the car-
17 rying out of that project or activity.”;

18 (3) in subsection (c)—

19 (A) in paragraph (1), by striking “with
20 end water users” and inserting “with end water
21 users to protect and restore the condition of
22 National Forest watersheds and adjacent land
23 that provide water—

24 “(A) to the end water users subject to the
25 agreement; or

1 “(B) for the benefit of another end water
2 user.”;

3 (B) in paragraph (2)—

4 (i) in subparagraph (C), by striking
5 “or” at the end;

6 (ii) by redesignating subparagraph
7 (D) as subparagraph (E); and

8 (iii) by inserting after subparagraph
9 (C) the following:

10 “(D) a good neighbor agreement entered
11 into under section 8206 of the Agricultural Act
12 of 2014 (16 U.S.C. 2113a); or”; and

13 (C) by adding at the end the following:

14 “(3) COOPERATION WITH NON-FEDERAL PART-
15 NERS.—The Secretary shall cooperate with non-Fed-
16 eral partners in carrying out assessments, planning,
17 project design, and project implementation under
18 this section.”;

19 (4) in subsection (d)—

20 (A) by amending paragraph (2) to read as
21 follows:

22 “(2) REQUIREMENT.—A water source manage-
23 ment plan shall be—

24 “(A) designed to protect and restore eco-
25 logical integrity (as defined in section 219.19 of

1 title 36, Code of Federal Regulations (as in ef-
2 fect on the date of enactment of this subpara-
3 graph));

4 “(B) based on the best available scientific
5 information; and

6 “(C) conducted in a manner consistent
7 with the forest plan applicable to the National
8 Forest System land on which the watershed
9 protection and restoration project is carried
10 out.”; and

11 (B) by adding at the end the following:

12 “(4) REDUCING REDUNDANCY.—An existing
13 watershed plan, such as a watershed protection and
14 restoration action plan developed under section
15 304(a)(3), or other applicable watershed planning
16 documents as approved by the Secretary may be
17 used as the basis for a water source management
18 plan under this subsection.”; and

19 (5) in subsection (c)(1), by striking “primary
20 purpose of” and all that follows through the period
21 at the end and inserting “primary purpose of ad-
22 vancing any of the purposes described in subsection
23 (b)(2).”.

24 (f) WATERSHED CONDITION FRAMEWORK TECH-
25 NICAL CORRECTIONS.—Section 304(a) of the Healthy

1 Forests Restoration Act of 2003 (16 U.S.C. 6543(a)) is
2 amended in paragraphs (3) and (5) by striking “protection
3 and”.

