

(2) Coordination with other Federal agencies

In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

- (A) non-Federal entities; and
- (B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

(3) Phased project

A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

(A) First phase

During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

(B) Second phase

During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

(4) Cost sharing**(A) Federal share**

The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

(B) Form of non-Federal share

The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

- (i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and
- (ii) the acquisition costs of land acquired for the project that is—
 - (I) used for planning, design, and construction of the water reclamation and reuse project facilities; and
 - (II) owned by an eligible entity and directly related to the project.

(C) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(5) Effect

Nothing in this section—

- (A) affects or preempts—
 - (i) State water law; or
 - (ii) an interstate compact relating to the allocation of water; or
- (B) confers on any non-Federal entity the ability to exercise any Federal right to—
 - (i) the water of a stream; or
 - (ii) any groundwater resource.

(6) Authorization of appropriations

There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.

(Pub. L. 102-575, title XVI, §1651, as added Pub. L. 111-11, title IX, §9110(a), Mar. 30, 2009, 123 Stat. 1315.)

§ 390h-35. Prado Basin natural treatment system project**(a) In general**

The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

(b) Cost sharing

The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) Limitation

Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$10,000,000.

(e) Sunset of authority

This section shall have no effect after the date that is 10 years after March 30, 2009.

(Pub. L. 102-575, title XVI, §1652, as added Pub. L. 111-11, title IX, §9111(a)(1), Mar. 30, 2009, 123 Stat. 1317.)

§ 390h-36. Lower Chino Dairy Area desalination demonstration and reclamation project**(a) In general**

The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

(b) Cost sharing

The Federal share of the cost of the project described in subsection (a) shall not exceed—

- (1) 25 percent of the total cost of the project; or
- (2) \$26,000,000.

(c) Limitation

Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(e) Sunset of authority

This section shall have no effect after the date that is 10 years after March 30, 2009.

(Pub. L. 102-575, title XVI, §1653, as added Pub. L. 111-11, title IX, §9111(b)(1), Mar. 30, 2009, 123 Stat. 1317.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsection (a), are defined in section 390h(a) of this title.