

SUBCHAPTER II—DROUGHT CONTINGENCY
PLANNING

§ 2221. Identification of opportunities for water supply conservation, augmentation and use

The Secretary is authorized to conduct studies to identify opportunities to conserve, augment, and make more efficient use of water supplies available to Federal Reclamation projects and Indian water resource developments in order to be prepared for and better respond to drought conditions. The Secretary is authorized to provide technical assistance to States and to local and tribal government entities to assist in the development, construction, and operation of water desalinization projects, including technical assistance for purposes of assessing the technical and economic feasibility of such projects.

(Pub. L. 102-250, title II, §201, Mar. 5, 1992, 106 Stat. 56.)

§ 2222. Drought contingency plans

The Secretary, acting pursuant to the Federal Reclamation laws, utilizing the resources of the Department of the Interior, and in consultation with other appropriate Federal and State officials, Indian tribes, public, private, and local entities, is authorized to prepare or participate in the preparation of cooperative drought contingency plans (hereinafter in this subchapter referred to as “contingency plans”) for the prevention or mitigation of adverse effects of drought conditions.

(Pub. L. 102-250, title II, §202, Mar. 5, 1992, 106 Stat. 56.)

§ 2223. Plan elements

(a) Plan provisions

Elements of the contingency plans prepared pursuant to section 2222 of this title may include, but are not limited to, any or all of the following:

- (1) Water banks.
- (2) Appropriate water conservation actions.
- (3) Water transfers to serve users inside or outside authorized Federal Reclamation project service areas in order to mitigate the effects of drought.
- (4) Use of Federal Reclamation project facilities to store and convey nonproject water for agricultural, municipal and industrial, fish and wildlife, or other uses both inside and outside an authorized Federal Reclamation project service area.
- (5) Use of water from dead or inactive reservoir storage or increased use of ground water resources for temporary water supplies.
- (6) Water supplies for fish and wildlife resources.
- (7) Minor structural actions.

(b) Federal Reclamation projects

Each contingency plan shall identify the following two types of plan elements related to Federal Reclamation projects:

- (1) Those plan elements which pertain exclusively to the responsibilities and obligations of the Secretary pursuant to Federal Reclama-

tion law and the responsibilities and obligations of the Secretary for a specific Federal Reclamation project.

(2) Those plan elements that pertain to projects, purposes, or activities not constructed, financed, or otherwise governed by the Federal Reclamation law.

(c) Drought levels

The Secretary is authorized to work with other Federal and State agencies to improve hydrologic data collection systems and water supply forecasting techniques to provide more accurate and timely warning of potential drought conditions and drought levels that would trigger the implementation of contingency plans.

(d) Compliance with law

The contingency plans and plan elements shall comply with all requirements of applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321), section 2265(a) of title 33, and the Fish and Wildlife Coordination Act [16 U.S.C. 661 et seq.], and shall be in accordance with applicable State law.

(e) Review

The contingency plans shall include provisions for periodic review to assure the adequacy of the contingency plan to respond to current conditions, and such plans may be modified accordingly.

(Pub. L. 102-250, title II, §203, Mar. 5, 1992, 106 Stat. 57.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (d), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Fish and Wildlife Coordination Act, referred to in subsec. (d), is act Mar. 10, 1934, ch. 55, 48 Stat. 401, as amended, which is classified generally to sections 661 to 666c of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 661 of Title 16 and Tables.

§ 2224. Recommendations

(a) Approval

The Secretary shall submit each plan prepared pursuant to section 2222 of this title to the Congress, together with the Secretary’s recommendations, including recommendations for authorizing legislation, if needed.

(b) Pacific Northwest region

A contingency plan under subsection (a) for the State of Washington, Oregon, Idaho, or Montana, may be approved by the Secretary only at the request of the Governor of the affected State in coordination with the other States in the region and the Administrator of the Bonneville Power Administration.

(Pub. L. 102-250, title II, §204, Mar. 5, 1992, 106 Stat. 57.)

§ 2225. Reclamation Drought Response Fund

The Secretary shall undertake a study of the need, if any, to establish a Reclamation Drought