

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.

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IN THE HOUSE OF REPRESENTATIVES

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

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**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—OFFICE OF SUSTAINABLE WATERSHED MANAGEMENT

- Sec. 101. Establishment.
- Sec. 102. Council on Sustainable Watershed Management.
- Sec. 103. Functions.
- Sec. 104. Standards for regional watershed plans.
- Sec. 105. Review of proposed regional watershed plans.
- Sec. 106. Actions regarding accepted plan.
- Sec. 107. Administrative provisions.
- Sec. 108. Authorization of appropriations.

## TITLE II—REGIONAL WATERSHED PLANNING BOARDS

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

## TITLE III—STATE WATER RESOURCE PLANNING GRANTS

- Sec. 301. Grants for State Offices of Watershed Planning.
- Sec. 302. Responsibilities.

**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 hydrologic conditions and  
4           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          governmental programs and making recommenda-  
20          tions to improve coordination among Federal, inter-  
21          state, State, tribal, 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) STATE.—The term “State” means a State,  
11 the District of Columbia, the Commonwealth of  
12 Puerto Rico, the Virgin Islands, Guam, the Com-  
13 monwealth of the Northern Mariana Islands, [Amer-  
14 ican Samoa, and the Trust Territory of the Pacific  
15 Islands].

16 (2) [TBS].—[to be supplied]

17 **TITLE I—OFFICE OF SUSTAIN-**  
18 **ABLE WATERSHED MANAGE-**  
19 **MENT**

20 **SEC. 101. ESTABLISHMENT.**

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

25 (b) DIRECTOR.—

1           (1) ESTABLISHMENT.—There is established the  
2 position of the Director of the Office (in this Act re-  
3 ferred to as the “Director”), who shall be the head  
4 of the Office.

5           (2) APPOINTMENT.—

6           (A) IN GENERAL.—The President, by and  
7 with the advice and consent of the Senate, shall  
8 appoint the Director, who shall serve at the  
9 pleasure of the President.

10          (B) QUALIFICATIONS.—The Director shall  
11 be a person who, as a result of education, expe-  
12 rience, and accomplishments, is exceptionally  
13 well qualified to—

14           (i) analyze and interpret information  
15 and policies related to water resources;

16           (ii) evaluate projects, programs, poli-  
17 cies, and activities of the Federal Govern-  
18 ment in light of the policy set forth in this  
19 Act;

20           (iii) be conscious of and responsive  
21 to—

22           (I) the scientific, economic, so-  
23 cial, aesthetic, and cultural needs and  
24 interests of the Nation; and

1 (II) the roles and responsibilities  
2 of Federal, interstate, State, tribal,  
3 and local governments and nongovern-  
4 mental organizations with respect to  
5 water resources; and

6 (iv) formulate, recommend, and pro-  
7 mote national policies that encourage the  
8 sustainable use of the Nation's water re-  
9 sources.

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

14 (4) DUTIES.—The Director shall advise and as-  
15 sist the President in carrying out the policies and  
16 programs of the Federal Government affecting sus-  
17 tainable water resources management.

18 (5) CONSULTATION.—The Director shall carry  
19 out all of the duties in this Act in consultation with  
20 the Council established in section 102.

21 **SEC. 102. COUNCIL ON SUSTAINABLE WATERSHED MAN-**  
22 **AGEMENT.**

23 (a) ESTABLISHMENT.—There is established a Council  
24 on Sustainable Watershed Management (in this Act re-

1 ferred to as the “Council”) to advise and assist the Direc-  
2 tor in carrying out this Act.

3 (b) MEMBERSHIP.—The Council shall be composed of  
4 the following:

5 (1) The Administrator of the Environmental  
6 Protection Agency.

7 (2) The Secretary of Transportation.

8 (3) The Secretary of the Army.

9 (4) The Secretary of the Interior.

10 (5) The Secretary of Agriculture.

11 (6) The Secretary of Commerce.

12 (7) The Secretary of Energy.

13 (8) The Secretary of Housing and Urban Devel-  
14 opment.

15 (9) The Administrator of the Federal Emer-  
16 gency Management Agency.

17 (10) The Chairperson of the Federal Energy  
18 Regulatory Commission.

19 (11) 5 Governors from the States to be ap-  
20 pointed by the President in a manner that reflects  
21 the geographic diversity of the United States and in  
22 accordance with subsection (c).

23 (12) A representative of the tribes to be ap-  
24 pointed by the President in accordance with sub-  
25 section (c).

1 (c) SPECIFIC TERMS.—The members of the Council  
2 referred to in paragraphs (11) and (12) of subsection (b)  
3 shall be appointed in such a manner that such members  
4 shall rotate among the States and tribes, respectively, on  
5 a biennial basis.

6 (d) ADDITIONAL PARTICIPANTS.—The Director shall  
7 request the heads of other Federal establishments, includ-  
8 ing the Director of the Office of Management and Budget,  
9 the Director of the Office of Science and Technology Pol-  
10 icy, the Chair of the Council on Environmental Quality,  
11 and the Chair of the Council of Economic Advisers, or  
12 their representative, to participate with the Council when  
13 matters affecting their responsibilities are considered by  
14 the Council.

15 (e) ALTERNATES.—Each member of the Council  
16 under subsection (b) may designate an alternate who shall  
17 serve as a member of the Council whenever the regular  
18 member is unable to attend any meeting of the Council.

19 **SEC. 103. FUNCTIONS.**

20 The Director shall perform each of the following  
21 functions:

- 22 (1) Evaluate information on an ongoing basis  
23 to—  
24 (A) summarize the water resources uses  
25 and needs in each area from information pro-

1 vided by a regional watershed planning board  
2 under [section \_\_\_\_\_], including the national  
3 interest therein, including water quality, eco-  
4 logical health and resiliency, habitat, drinking  
5 water supply, flood control, navigation, hydro-  
6 power, agriculture, [ecosystem-based goods and  
7 services,]recreation, groundwater recharge, and  
8 groundwater use; and

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

16 (2) Develop criteria for use by the Federal de-  
17 partments and agencies in evaluating the effective-  
18 ness of existing and proposed projects, programs,  
19 policies, and activities of the Federal Government  
20 that affect sustainable water resources management.

21 (3) Assist in the coordination and resolution of  
22 conflicts among the Federal departments and agen-  
23 cies of those projects, programs, policies, and activi-  
24 ties [that] [to] ensure the sustainable use of water  
25 resources by [increasing water efficiency], improv-

1 ing water quality, and improving ecological health  
2 and resiliency.

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

6 (5) Review the adequacy of existing research fa-  
7 cilities and other resources to ensure the efficient  
8 use of such facilities and resources.

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

15 (7) Collect, collate, analyze, and interpret data  
16 on sustainable water resources management.

17 (8) Identify means to foster long-range water  
18 resource and infrastructure planning.

19 (9) Identify means to protect and restore the  
20 health and resiliency of aquatic ecosystems.

21 (10) Report to Congress biennially on the eval-  
22 uation carried out **【under paragraph (1)】** *【Do you*  
23 *want the report to Congress to include some of these*  
24 *other paragraphs now, too?】*.

1           (11) [Provide funding to States to establish  
2 state offices of watershed planning through grants,  
3 as authorized in [section 301] of this Act.] [Ad-  
4 minister a grant program for States to establish  
5 state offices of watershed planning, as authorized in  
6 [section 301] of this Act.]

7           (12) Upon request, facilitate the resolution of  
8 interstate water conflicts.

9           (13) Upon request, facilitate the resolution of  
10 conflicts between regional watershed planning  
11 boards.

12 **SEC. 104. STANDARDS FOR REGIONAL WATERSHED PLANS.**

13           (a) ESTABLISHMENT.—The Director shall establish  
14 principles, standards, and procedures for—

15           (1) the development of comprehensive regional  
16 watershed plans by regional watershed planning  
17 boards, as required under [section \_\_\_\_\_]; and

18           (2) the formulation and evaluation of Federal  
19 water resource [projects,] programs, policies, and ac-  
20 tivities as required under [section \_\_\_\_\_]. [by  
21 whom? also the regional watershed planning boards?  
22 is this a requirement somewhere, and if so, where?]  
23 [finally, we had removed projects, but this is only re-  
24 quiring the establishment of principles, standards,

1       *and procedures for evaluating projects, not actually*  
2       *evaluating projects, so do you still want it removed?】*

3       (b) REVISIONS.—Such procedures may include over-  
4 sight of and revisions to the portions of a regional water-  
5 shed plan involving Federal 【projects,】programs, policies,  
6 and activities.

7       (c) EVALUATION REQUIREMENT.—The Director and  
8 the Federal members of the Council shall utilize the re-  
9 vised Army Corps of Engineers Principles and Guidelines  
10 referenced in section 2031(b) of the Water Resources and  
11 Development Act of 2007 (121 Stat. 1082) for the evalua-  
12 tion of proposed water resource 【projects,】programs, poli-  
13 cies, and activities 【in the context of regional watershed  
14 plans】.【*would adding that final phrase help make this*  
15 *more palatable?】*

16 **SEC. 105. REVIEW OF PROPOSED REGIONAL WATERSHED**  
17 **PLANS.**

18       (a) CRITERIA.—Upon receipt of a proposed regional  
19 watershed plan or revision thereof from any regional wa-  
20 tershed planning board under section \_\_\_\_\_, the Di-  
21 rector shall review such plan or revision with regard to—

22               (1) the contributions which such plan or revi-  
23 sion will make toward improving the Nation’s water  
24 resources, environmental, economic, public health,  
25 and social goals;

1           (2) the **【impacts and changes】** **【effect】** on  
2 Federal projects, programs, policies, and activities  
3 proposed by such plan or revision;

4           (3) compliance with regional watershed plan cri-  
5 teria under **【section 206(b)】**;

6           (4) coordination of water-related infrastructure  
7 planning and investment; and

8           (5) the efficacy of such plan or revision in  
9 achieving the balanced use of the water resources in  
10 the watershed with regard to the following criteria:

11                   (A) **【Increased water efficiency】**.

12                   (B) Improved water quality.

13                   (C) Improved ecological health and resil-  
14 iency.

15       (b) ACCEPTANCE OR REVISIONS.—Based on the re-  
16 view conducted under subsection (a), the Director shall—

17           (1) accept the proposed plan and—

18                   **【(A) have such plan published in the Fed-  
19 eral Register; and】**

20                   **【(B) transmit such plan to the Governors  
21 and legislatures of each participating State; or】**

22           (2) formulate such recommendations for revi-  
23 sions as it determines desirable in the national inter-  
24 est with regard to the criteria outlined in subsection  
25 (a)(5); and

1           (3) submit such acceptance or recommendations  
2           to the regional watershed planning board.

3 **SEC. 106. ACTIONS REGARDING ACCEPTED PLAN.**

4           Following the review by the Director under section  
5 105(a) and the completion of regional watershed plans by  
6 regional watershed planning boards such that proposed  
7 plans or revisions are accepted under section 105(b)(1),  
8 the Director shall—

9           (1) review recommendations from regional wa-  
10           tershed planning boards for Federal policy, regu-  
11           latory, or legislative changes to better and more fully  
12           implement such watershed plans;

13           (2) submit recommendations to the President of  
14           any such policy, regulatory, budgetary, or legislative  
15           changes that the Director finds necessary to imple-  
16           ment regional watershed plans or to fulfill the goals  
17           of this Act, including **【increased water efficiency】**,  
18           improved water quality, and improved ecological  
19           health and resiliency;

20           (3) submit to the Congress a copy of each ac-  
21           cepted regional watershed plan and recommenda-  
22           tions to the Congress based on the President's re-  
23           sponse to the recommendations submitted under  
24           paragraph (2); and

1           (4) to the extent consistent with applicable  
2 laws, direct adjustment of Federal projects, pro-  
3 grams, policies, and activities in accordance with the  
4 accepted regional watershed plans and any applica-  
5 ble State watershed plan that serves as the basis for  
6 such State's water resource management and financ-  
7 ing program.

8 **SEC. 107. ADMINISTRATIVE PROVISIONS.**

9       **[(a) CONTRACT AUTHORITY.—**To the extent or in  
10 the amounts provided in advance in appropriation Acts,  
11 the Director may contract with and compensate govern-  
12 ment and private agencies or persons without regard to  
13 section 3709 of the Revised Statutes (41 U.S.C. 5) or sec-  
14 tion 3324(a) and (b) of title 31, United States Code.]

15       **(b) STAFF.—**

16           **(1) AUTHORIZATION.—**The Director may ap-  
17 point and fix the pay of additional personnel as the  
18 Director considers appropriate to carry out this Act.

19           **(2) EXPERTS.—**The Director may employ and  
20 fix the compensation of such experts and consultants  
21 as may be necessary for carrying out this Act in ac-  
22 cordance with section 3109(b) of title 5, United  
23 States Code.

24           **(3) VOLUNTARY SERVICES.—**Notwithstanding  
25 section 1342 of title 31, United States Code, the Di-

1 rector may accept and employ voluntary and uncom-  
2 pensated services to carry out this Act.

3 (4) STAFF OF FEDERAL AGENCIES.—Upon re-  
4 quest of the Director, the head of any Federal de-  
5 partment or agency may detail, on a reimbursable  
6 basis, any of the personnel of that department or  
7 agency to the Office to assist the Director in car-  
8 rying out this Act.

9 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated \$20,000,000  
11 per fiscal year to carry out the provisions of this title.

12 **TITLE II—REGIONAL**  
13 **WATERSHED PLANNING BOARDS**

14 **SEC. 201. ESTABLISHMENT OF REGIONAL WATERSHED**  
15 **PLANNING BOARDS.**

16 (a) ESTABLISHMENT.—The Director shall provide fi-  
17 nancial assistance under section \_\_\_\_\_ to provide for  
18 the establishment of regional watershed planning boards  
19 based on the boundaries of each Army Corps of Engineers  
20 Civil Works District.

21 [(b) GRANT PROGRAM.—[The Director shall dis-  
22 tribute funds to regional watershed planning boards.]  
23 [annual reports as condition of grant - submitted to Di-  
24 rector and Governor of each participating State.] [give  
25 grants such that plans can be updated every 5 years.] [to

1 be supplied] The Director shall establish criteria for the  
2 award of grants under this section and shall determine  
3 permissible uses of grant funds.]

4 **SEC. 202. MEMBERSHIP.**

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

8 (1) Representatives of such Federal depart-  
9 ments and agencies as the Director considers appro-  
10 priate.

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

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

22 (4) At the discretion of the [President] [Direc-  
23 tor], one representative to be [appointed] [des-  
24 ignated] by the [President] [Director] from the  
25 United States representation on any international

1 commission created by a treaty to which the consent  
2 of the Senate has been given and whose jurisdiction  
3 extends to the watershed for which the regional wa-  
4 tershed planning board is established.

5       **[(5) One representative from a federally-recog-**  
6 **nized Indian tribe with tribal rights that extend to**  
7 **the watershed for which the regional watershed plan-**  
8 **ning board is established, and such additional tribal**  
9 **representation as the Secretary of the Interior deter-**  
10 **mines appropriate, to be appointed by [to be sup-**  
11 **plied].]**

12       (6) Representatives from local governments  
13 with jurisdiction over an area that lies wholly or par-  
14 tially within the watershed for which the regional  
15 water planning board is established, with such rep-  
16 resentatives to be appointed jointly by the board co-  
17 chairs and taking into account the geographic dis-  
18 tribution and geographic diversity of the watershed  
19 and population centers.

20       (7) Representatives from nongovernmental enti-  
21 ties that are involved in using or protecting or are  
22 affected by water resources in the watershed, includ-  
23 ing, as appropriate for the watershed, representa-  
24 tives from navigation, flood control, irrigated agri-  
25 culture, municipal wastewater, municipal drinking

1 water, conservation and recreation groups, environ-  
2 mental groups, ranching, and local utilities, to be  
3 appointed jointly by the board co-chairs and taking  
4 into account geographic distribution and geographic  
5 diversity of the watershed and the varied interests  
6 that both use and protect and are affected by water  
7 resources in the watershed.

8 (b) CO-CHAIRPERSONS.—

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

13 (A) The Federal co-chairperson shall be se-  
14 lected by the **【President】 【Director】**.

15 (B) The State co-chairperson shall be se-  
16 lected by the State representatives of the re-  
17 gional watershed planning board.

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

23 (c) VACANCIES.—Vacancies in a regional watershed  
24 planning board shall not affect its powers but shall be  
25 filled in the same manner in which the original appoint-

1 ments were made. The co-chairpersons may designate al-  
2 ternates to act for them during temporary absences.

3 **SEC. 203. FUNCTIONS OF THE REGIONAL WATERSHED**  
4 **PLANNING BOARDS.**

5 (a) ASSESSMENTS.—

6 (1) USES AND NEEDS.—Each regional water-  
7 shed planning board shall assess and report on  
8 water resources uses and flows in its watershed by  
9 identifying throughout the watershed such uses, in-  
10 cluding applicable water resource needs for water  
11 quality, ecological health and resiliency, habitat,  
12 drinking water supply, flood control, navigation,  
13 recreation, [agriculture, ecosystem-based goods and  
14 services,] groundwater recharge, and groundwater  
15 use, and shall include in each assessment flood risks  
16 and trends for water quality and supply, including  
17 wastewater infrastructure uses of water resources  
18 and water storage, for—

19 (A) current primary water resource uses;

20 (B) current water resource needs for pri-  
21 mary water resources uses;

22 (C) anticipated primary water resource  
23 uses; and

24 (D) anticipated water resource needs for  
25 anticipated water resource uses.

1           **[(2) CURRENT PROGRAMS.—**Each regional wa-  
2 watershed planning board shall assess current water  
3 management **[programs] [projects, programs, poli-**  
4 **cies, and activities]** of the Federal, interstate, State,  
5 tribal, and local governments and non-governmental  
6 entities in the watershed.]

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

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

16                   (B) variable climactic and hydrological  
17 conditions; and

18                   (C) impacts due to climate change and a  
19 quantification of such impacts.

20           **(b) WATERSHED PLAN.—**

21                   **(1) IN GENERAL.—**Each regional watershed  
22 planning board shall use the assessment conducted  
23 under subsection (a) to produce a watershed plan for  
24 the succeeding 5-year period for conserving and uti-  
25 lizing the water resources of the watershed through

1       **【increased water efficiency】**, increased water qual-  
2       ity, and improved ecological health and resiliency for  
3       Federal, interstate, State, tribal, and local govern-  
4       mental and non-governmental stakeholder actions  
5       with regard to water resource decisions across the  
6       watershed.

7               (2) CONTENTS.—Each such watershed plan  
8       shall—

9                       (A) provide guidance and criteria for water  
10       resource infrastructure projects;

11                      (B) describe the various water resource  
12       uses and needs in the watershed, including  
13       water quality, ecological health and resiliency,  
14       habitat, drinking water supply, flood control,  
15       navigation, recreation, **【agriculture, ecosystem-**  
16       **based goods and services,】**groundwater re-  
17       charge, and groundwater use;

18                      (C) describe existing as well as projected  
19       climactic and hydrologic conditions in and on  
20       the watershed;

21                      (D) describe the appropriate roles of Fed-  
22       eral, interstate, State, tribal, and local govern-  
23       mental and nongovernmental stakeholders in  
24       implementing water resource **【projects, pro-**  
25       **grams, policies, and activities】**;

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

7 **[(F) describe long-term priorities for the**  
8 **collection and analysis of basic data;]**

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

13 (H) describe financing options, incentives,  
14 and opportunities for—

15 (i) the implementation of such plan;

16 (ii) holistically designed water re-  
17 source infrastructure projects; and

18 (iii) increased use of nonstructural  
19 elements (including green infrastructure  
20 and low impact development techniques);

21 (I) describe options to promote the use of,  
22 and reduce biases against, nonstructural ele-  
23 ments (including green infrastructure and low  
24 impact development techniques) when managing  
25 stormwater, including features that—

- 1 (i) preserve and restore natural proc-  
2 esses, landforms (such as flood plains),  
3 natural storage, natural vegetated stream-  
4 side buffers, wetlands, or other similar top-  
5 ographical features;
- 6 (ii) utilize natural design techniques  
7 that encourage infiltration, filtration, stor-  
8 age, evaporation, and detention of water  
9 close to its source; and
- 10 (iii) minimize the use of impervious  
11 surfaces;
- 12 (J) describe strategies for the implementa-  
13 tion of the plan that avoid and minimize ad-  
14 verse impacts to **【natural systems】** **【aquatic**  
15 **ecosystems】**;
- 16 (K) describe opportunities and strategies  
17 to restore **【natural systems】** **【aquatic eco-**  
18 **systems】**;
- 19 (L) include a watershed strategy that, to  
20 the maximum extent practicable, supports water  
21 resource decisions that will **【increase water effi-**  
22 **ciency】**, improve water quality, and improve ec-  
23 ological health and resiliency across the water-  
24 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; and

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

16 **[(3) PUBLIC COMMENT PERIOD.—**Each re-  
17 gional watershed planning board shall release the  
18 proposed regional watershed plan for public com-  
19 ment for not less than a 30-day period before sub-  
20 mission to the Director. Such board may make revi-  
21 sions to the plan after such period and before sub-  
22 mission to the Director.]

23 (4) SUBMISSION OF PLAN.—

24 (A) IN GENERAL.—Each regional water-  
25 shed planning board shall prepare and submit

1 to the Director for the Director's approval a  
2 new or revised watershed plan.

3 (B) ADDITIONAL RECOMMENDATIONS.—  
4 The regional watershed planning board shall  
5 submit to the Director, at the time of submit-  
6 ting such plan, any recommendations it may  
7 have for continuing the functions of the re-  
8 gional watershed planning board and imple-  
9 menting the plan, including the means of keep-  
10 ing the plan **【up-to-date】**.

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

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

18 (2) conduct such additional studies as may be  
19 necessary, including studies of projected impacts on  
20 the watershed as a function of anticipated climactic  
21 and hydrologic changes.

22 **【(d) INPUT.—**Each regional watershed planning  
23 board may consider information received, as appropriate,  
24 from relevant stakeholders in the watershed, including

1 **【Federal, interstate,】** State, tribal, and local governments  
2 and nongovernmental entities.】

3 **SEC. 204. DECISIONMAKING PROCESS.**

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

8 **【(b) LACK OF CONSENSUS.**—In the event consensus  
9 cannot be reached, each State shall have one representa-  
10 tive, and one Federal representative, representing all Fed-  
11 eral participants, shall negotiate a consensus position.  
12 **【needs to be reworked】】**

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

17 (d) **FINAL AUTHORITY.**—The co-chairpersons shall  
18 have the final authority to fix the times and places for  
19 meetings, to set deadlines for the submission of annual  
20 and other reports, to establish subcommittees, and to de-  
21 cide such other procedural questions as may be necessary  
22 for the regional watershed planning board to perform its  
23 functions.

24 (e) **PUBLIC MEETINGS.**—The regional watershed  
25 planning board shall **【hold all meetings at public loca-**

1 tions] [ensure that all meetings are open to the pub-  
2 lic].*[I was having you choose between the two brackets*  
3 *here.]*

4 **SEC. 205. SUB-REGIONAL WATERSHED PLANNING BOARDS.**

5 (a) IN GENERAL.—

6 (1) AUTHORIZATION.—Upon approval by the  
7 Director, each regional watershed planning board is  
8 authorized to propose and establish sub-regional wa-  
9 tershed planning boards based on the boundaries of  
10 the sub-regional watersheds at the 4-digit hydrologic  
11 unit code level, as defined by the United States Geo-  
12 logical Survey.

13 (2) EQUIVALENT REQUIREMENTS.—Such sub-  
14 regional watershed planning boards shall comply  
15 with the provisions governing regional watershed  
16 planning boards set forth in this title, including  
17 membership substantially similar to the membership  
18 of regional watershed planning boards described in  
19 section 202.

20 (b) FUNCTIONS.—The functions and duties of the  
21 sub-regional watershed planning boards are to develop  
22 sub-regional watershed plans consistent with—

23 (1) the corresponding regional watershed plans,  
24 if such plans are available; or

1           (2) the criteria for developing such regional wa-  
2           tershed plans, if such plans are not available.

3           (c) APPROVAL.—In the absence of an approved re-  
4           gional watershed plan, sub-regional watershed plans may  
5           be subject to review and approval by the Director.

6   **SEC. 206. INTERAGENCY OFFICE.**

7           (a) IN GENERAL.—Each regional watershed planning  
8           board shall establish and maintain a **[permanent]** office  
9           within the watershed.

10          (b) STAFF SERVICES.—Staff from Federal depart-  
11          ments and agencies assigned to a regional watershed plan-  
12          ning board shall, to the extent feasible, be located within  
13          the offices established under subsection (a) and shall pro-  
14          vide the following services:

15               (1) Distribute materials related to water re-  
16               sources assessment and planning, including policy-  
17               relevant scientific information, research products,  
18               decision tools, and technical support, to Federal de-  
19               partments and agencies, interstate, State, tribal, and  
20               local governments, and non-governmental stake-  
21               holders.

22               (2) Manage administrative responsibilities for  
23               the regional watershed planning board.

1 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-  
3 priated to carry out the provisions of this title  
4 \$150,000,000 per fiscal year.

5 **[TITLE III—STATE WATER**  
6 **RESOURCE PLANNING GRANTS]**

7 **[SEC. 301. GRANTS FOR STATE OFFICES OF WATERSHED**  
8 **PLANNING.]**

9 (a) IN GENERAL.—The Director may make grants to  
10 a State in accordance with subsection (b) to assist the  
11 State in the development of water resource plans con-  
12 sistent with this Act.

13 (b) DISTRIBUTION OF STATE WATERSHED PLAN-  
14 NING GRANTS.—

15 (1) IN GENERAL.—The Director may award a  
16 grant of up to \$500,000 per fiscal year to a State  
17 for State water resource planning activities.

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

19 (A) ADDITIONAL GRANT FUNDS.—Not-  
20 withstanding paragraph (1), the Director may  
21 award an additional grant of up to \$1,500,000  
22 per fiscal year to a State if the Director deter-  
23 mines that the State is capable of utilizing ad-  
24 ditional funds to further the purposes of this  
25 Act.

1 (B) COST SHARE REQUIREMENT.—In  
2 order to be eligible for an additional grant  
3 under subparagraph (A), the State must certify  
4 to the Director that it will provide an amount  
5 equal to the grant awarded under subparagraph  
6 (A) from State funds for the State water re-  
7 sources planning activities under this Act.

8 (C) MAINTENANCE OF EFFORT.—The Di-  
9 rector may not make an allocation to a State  
10 under this **[section]** **[paragraph]** for a fiscal  
11 year unless the State certifies that the aggre-  
12 gate expenditure of funds of the State, exclusive  
13 of Federal funds, for water resources planning  
14 activities will be maintained at a level that does  
15 not fall below the average level of such expendi-  
16 ture for the preceding 2 fiscal years of the  
17 State.

18 **[(3) LIMITATION.—The Director may not make**  
19 **a grant under this section to any State which is not**  
20 **participating in the regional watershed planning**  
21 **board activities under [section \_\_\_\_\_] for water-**  
22 **sheds within its State. [I need to think about how**  
23 **to add a discretionary element to this - not sure it**  
24 **does it as written.]]**

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

5           (c) USE OF STATE WATERSHED PLANNING  
6 GRANTS.—

7           (1) IN GENERAL.—Grants provided under this  
8           section may be used—

9                   (A) to establish or enlarge a state office of  
10                  watershed planning;

11                   (B) for studies concerning the sustainable  
12                  use of waters contained within or bordering a  
13                  State, including a focus on water quality, water  
14                  efficiency, and **improved ecological health and**  
15                  **restoration**]; or

16                   (C) to implement State elements of an ap-  
17                  proved regional or sub-regional watershed plan  
18                  relating to the sustainable use of waters for  
19                  water quality, water efficiency, and **improved**  
20                  **ecological health and restoration**].

21           **[(2) LIMITATION.—Implementation of an ap-**  
22           **proved plan under paragraph (1)(C) does not include**  
23           **the study, design, or construction of a project identi-**  
24           **fied in an approved watershed plan]**

25           (d) ANNUAL DETERMINATION OF ELIGIBILITY.—

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

7           (2) EFFECT OF DETERMINATION.—If the Di-  
8 rector determines under paragraph (1) that the  
9 progress of a State during the year covered by the  
10 determination justifies additional funding, the Direc-  
11 tor shall provide to the State grant funds for the fol-  
12 lowing year.

13           (3) IMPLEMENTATION OF APPROVED WATER-  
14 SHED PLANS.—Following the approval of a regional  
15 or sub-regional watershed plan, the Director shall  
16 ensure that a State is substantially complying with  
17 its obligations under such plan as a condition of re-  
18 ceipt of a grant.

19           (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to the Director to carry out  
21 this section \$100,000,000 for each of the fiscal years 2010  
22 through 2020. Such sums shall remain available until ex-  
23 pended.

1 **SEC. 302. RESPONSIBILITIES.**

2 A State office of watershed planning shall have the  
3 following responsibilities related to each regional or sub-  
4 regional watershed planning board whose boundaries en-  
5 compass any portion of the State:

6 (1) Provide information, as necessary, to each  
7 regional or sub-regional watershed planning board.

8 (2) Participate in meetings of each regional or  
9 sub-regional watershed planning board.

10 (3) Subject to existing Federal or State law,  
11 implement an approved regional watershed plan for  
12 the watershed or watersheds located within the  
13 State.

14 (4) Assist State agencies, local governments,  
15 and other entities in assessing State water resources  
16 uses and needs and implementing water resource  
17 management strategies within the State.

18 (5) Resolve intrastate water resource conflicts.