

114TH CONGRESS  
2D SESSION

# H. R. 5629

To direct the Administrator of the Environmental Protection Agency to establish a California New River restoration program to build on, and help coordinate funding for, restoration and protection efforts relating to the New River, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2016

Mr. VARGAS (for himself and Mr. HUNTER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Administrator of the Environmental Protection Agency to establish a California New River restoration program to build on, and help coordinate funding for, restoration and protection efforts relating to the New River, 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 This Act may be cited as the “California New River  
5 Restoration Act of 2016”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the New River was born out of the Colorado  
4 River's occasional flows into the Salton Sink and the  
5 erosion of the New River channel which formed the  
6 deep river canyon between 1905 and 1907;

7 (2) the New River starts in Mexicali, Mexico,  
8 flows north into the United States through Calexico,  
9 passes through the Imperial Valley and drains into  
10 the Salton Sea, roughly 66 miles north of the inter-  
11 national boundary, and the sub-watershed covers ap-  
12 proximately 750 square miles, with 63 percent of  
13 that in Mexico and 37 percent in the United States;

14 (3) the New River has been widely recognized  
15 for its significant water pollution problems, pri-  
16 marily because of agricultural runoff, raw sewage,  
17 pesticides, and discharges of wastes from domestic,  
18 agricultural, and industrial sources in Mexico and  
19 the Imperial Valley;

20 (4) by the 1980s, the New River acquired the  
21 reputation of being one of the most polluted rivers  
22 in the United States, with many of the pollutants  
23 posing serious human health hazards to local popu-  
24 lations, particularly those in Calexico and Mexicali;

25 (5) in 1992, the International Boundary Water  
26 Commission's Treaty Minute No. 288 established a

1 sanitation strategy for the New River water quality  
2 problems at the international boundary and divided  
3 the sanitation projects into two immediate repairs  
4 projects, the Mexicali I and the Mexicali II, which  
5 totaled about \$50 million dollars and were funded by  
6 both countries through the North American Develop-  
7 ment Bank;

8 (6) in 1995, the Environmental Protection  
9 Agency provided funds to the California Regional  
10 Water Quality Control Board to monitor and docu-  
11 ment the water quality at the international boundary  
12 on a monthly basis;

13 (7) in the late 1990s, the United States and  
14 Mexico spent \$100 million (45 percent paid by Mex-  
15 ico and 55 percent paid by the United States) to  
16 build the Las Arenitas and Zaragoza Wastewater  
17 Treatment plants, and untreated New River water  
18 passing through four microbial treatment cells at  
19 Las Arenitas was then chlorinated and fed into a re-  
20 forestation project along the desiccated Rio Hardy  
21 which stretches to the Sea of Cortez;

22 (8) a 10-year effort by community groups, law-  
23 yers, regulatory agencies, and politicians addressed  
24 the problem at the source by federally funding a new

1 sewage treatment plant in Mexicali and developing a  
2 site plan for the river on the United States side;

3 (9) in 2009, the State of California required the  
4 California-Mexico Border Relations Council to create  
5 a strategic plan to study, monitor, remediate, and  
6 enhance the New River's water quality to protect  
7 human health and develop a river parkway suitable  
8 for public use;

9 (10) flows in the New River at the Inter-  
10 national Boundary with Mexico have been reduced  
11 by as much as 40 percent during the last 10 years  
12 due to a number of factors which include reduction  
13 of agricultural runoff and municipal wastewater dis-  
14 charged into the New River and its tributaries in  
15 Mexico; and

16 (11) the existing and ongoing voluntary con-  
17 servation efforts at the New River necessitate im-  
18 proved efficiency and cost effectiveness, as well as  
19 increased private-sector investments and coordina-  
20 tion of Federal and non-Federal resources, including  
21 through installation of a large trash screen, a new  
22 pump station, aeration devices, a disinfection facil-  
23 ity, and managed wetlands.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1           (1) NEW RIVER.—The term “New River”  
2 means the river that starts in Mexicali, Mexico,  
3 flows north into the United States through Calexico,  
4 passes through the Imperial Valley, and drains into  
5 the Salton Sea.

6           (2) ADMINISTRATOR.—The term “Adminis-  
7 trator” means the Administrator of the Environ-  
8 mental Protection Agency.

9           (3) PROGRAM.—The term “program” means  
10 the California New River restoration program estab-  
11 lished under section 4.

12           (4) RESTORATION AND PROTECTION.—The  
13 term “restoration and protection” means the con-  
14 servation, stewardship, and enhancement of habitat  
15 for fish and wildlife to preserve and improve eco-  
16 systems and ecological processes on which they de-  
17 pend.

18           (5) MEXICAN.—The term “Mexican” refers to  
19 the Federal, State, and local governments of the  
20 United Mexican States.

21 **SEC. 4. CALIFORNIA NEW RIVER RESTORATION PROGRAM**  
22 **ESTABLISHMENT.**

23           (a) ESTABLISHMENT.—Not later than 180 days after  
24 the date of enactment of this Act, the Administrator shall

1 establish a program to be known as the “California New  
2 River restoration program”.

3 (b) DUTIES.—In carrying out the program, the Ad-  
4 ministrator shall—

5 (1) draw on existing and new management  
6 plans for the New River, or portions of the New  
7 River, and work in consultation with applicable man-  
8 agement entities, including representatives of the  
9 Calexico New River Committee, the California-Mex-  
10 ico Border Relations Council, the New River Im-  
11 provement Project Technical Advisory Committee,  
12 the Federal Government, State and local govern-  
13 ments, and regional and nonprofit organizations, as  
14 appropriate, to identify, prioritize, and implement  
15 restoration and protection activities relating to the  
16 New River;

17 (2) adopt a New River-wide strategy that—

18 (A) supports the implementation of a  
19 shared set of science-based restoration and pro-  
20 tection activities identified in accordance with  
21 paragraph (1);

22 (B) targets cost-effective projects with  
23 measurable results; and

1 (C) maximizes conservation outcomes with  
2 no net gain of Federal full-time equivalent em-  
3 ployees; and

4 (3) provide grants and technical assistance in  
5 accordance with section 5.

6 (c) COORDINATION.—In establishing the program,  
7 the Administrator shall consult, as appropriate, with—

8 (1) the heads of Federal agencies, including—

9 (A) the Secretary of the Interior;

10 (B) the Secretary of Agriculture;

11 (C) the Administrator of General Services;

12 (D) the Commissioner of the International  
13 Boundary Water Commission; and

14 (E) the head of any other applicable agen-  
15 cy;

16 (2) the Governor of California;

17 (3) the Imperial Irrigation District;

18 (4) the Colorado River Basin Regional Water  
19 Quality Control Board; and

20 (5) other public agencies and organizations with  
21 authority for the planning and implementation of  
22 conservation strategies relating to the New River in  
23 both the United States and Mexico.

24 (d) PURPOSES.—The purposes of the program in-  
25 clude—

1           (1) coordinating restoration and protection ac-  
2           tivities, among Mexican, Federal, State, local, and  
3           regional entities and conservation partners, relating  
4           to the New River; and

5           (2) carrying out coordinated restoration and  
6           protection activities, and providing for technical as-  
7           sistance relating to the New River—

8                   (A) to sustain and enhance fish and wild-  
9                   life habitat restoration and protection activities;

10                   (B) to improve and maintain water quality  
11                   to support fish and wildlife, as well as the habi-  
12                   tats of fish and wildlife;

13                   (C) to sustain and enhance water manage-  
14                   ment for volume and flood damage mitigation  
15                   improvements to benefit fish and wildlife habi-  
16                   tat;

17                   (D) to improve opportunities for public ac-  
18                   cess to, and recreation in and along, the New  
19                   River consistent with the ecological needs of  
20                   fish and wildlife habitat;

21                   (E) to facilitate strategic planning to maxi-  
22                   mize the resilience of natural systems and habi-  
23                   tats under changing watershed conditions;

24                   (F) to engage the public through outreach,  
25                   education, and citizen involvement, to increase



1 capacity and support for coordinated restora-  
2 tion and protection activities relating to the  
3 New River;

4 (G) to increase scientific capacity to sup-  
5 port the planning, monitoring, and research ac-  
6 tivities necessary to carry out coordinated res-  
7 toration and protection activities; and

8 (H) to provide technical assistance to carry  
9 out restoration and protection activities relating  
10 to the New River.

11 **SEC. 5. GRANTS AND ASSISTANCE.**

12 (a) IN GENERAL.—In carrying out the program, the  
13 Administrator shall provide grants and technical assist-  
14 ance to State and local governments, nonprofit organiza-  
15 tions, and institutions of higher education, in both the  
16 United States and Mexico, to carry out the purposes of  
17 the program.

18 (b) CRITERIA.—The Administrator, in consultation  
19 with the organizations described in section 4(c), shall de-  
20 velop criteria for providing grants and technical assistance  
21 under this section to ensure that such activities accomplish  
22 one or more of the purposes identified in section 4(d)(2)  
23 and advance the implementation of priority actions or  
24 needs identified in the New River-wide strategy adopted  
25 under section 4(b)(2).

1 (c) COST SHARING.—

2 (1) FEDERAL SHARE.—The Federal share of  
3 the cost of a project for which a grant is provided  
4 under this section shall not exceed 55 percent of the  
5 total cost of the activity, as determined by the Ad-  
6 ministrator.

7 (2) NON-FEDERAL SHARE.—The non-Federal  
8 share of the cost of a project for which a grant is  
9 provided under this section may be provided in the  
10 form of an in-kind contribution of services or mate-  
11 rials.

12 (d) ADMINISTRATION.—

13 (1) IN GENERAL.—The Administrator may  
14 enter into an agreement to manage the implementa-  
15 tion of this section with the North American Devel-  
16 opment Bank or a similar organization that offers  
17 grant management services.

18 (2) FUNDING.—If the Administrator enters into  
19 an agreement under paragraph (1), the organization  
20 selected shall—

21 (A) for each fiscal year, receive amounts to  
22 carry out this section in an advance payment of  
23 the entire amount on October 1, or as soon as  
24 practicable thereafter, of that fiscal year;

1 (B) invest and reinvest those amounts for  
2 the benefit of the program; and

3 (C) otherwise administer the implementa-  
4 tion of this section to support partnerships be-  
5 tween the public and private sectors in accord-  
6 ance with this Act.

7 **SEC. 6. ANNUAL REPORTS.**

8 Not later than 180 days after the date of enactment  
9 of this Act, and annually thereafter, the Administrator  
10 shall submit to Congress a report on the implementation  
11 of this Act, including a description of each project that  
12 has received funding under this Act, goals established by  
13 New River-wide strategy, and the status of all such  
14 projects that are in progress on the date of submission  
15 of the report.

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