

117TH CONGRESS
1ST SESSION

H. R. 2552

To provide financial assistance for projects to address certain subsidence impacts in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2021

Mr. COSTA (for himself, Mr. GARAMENDI, and Mr. HARDER of California) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide financial assistance for projects to address certain subsidence impacts in the State of California, 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 “Canal Conveyance Ca-
5 pacity Restoration Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

1 (1) to address severe subsidence impacts that
2 have substantially reduced the carrying capacity of
3 the water delivery system of the State; and

4 (2) to provide additional water supply in the
5 State at a relatively low cost per acre-foot to in-
6 crease—

7 (A) resiliency to increasingly severe
8 droughts in the State;

9 (B) groundwater recharge needed to assist
10 in meeting groundwater sustainability goals es-
11 tablished under State law; and

12 (C) the reliability of surface or ground-
13 water supplies, portions of which serve dis-
14 advantaged communities.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) **FEDERAL POOL.**—The term “Federal pool”
18 means each of pools 13 through 21 of the San Luis
19 Canal/California Aqueduct, which are owned by the
20 United States and operated by the California De-
21 partment of Water Resources under the agreement
22 entitled “Agreement Between the United States of
23 America and the Department of Water Resources of
24 the State of California for the Construction and Op-

eration of the Joint-Use Facilities of the San Luis Unit” and dated December 30, 1961.

(2) NET PRESENT VALUE OF THE LOCAL CONTRIBUTION TO REIMBURSABLE FEDERAL FUNDING.—The term “net present value of the local contribution to reimbursable Federal funding” means, with respect to a project, the amount equal to the difference between—

(A) the total amount of reimbursable Federal funds made available for a project; and

(B) the amount of the present value, as of the date of the calculation, of any interest subsidy provided through the repayment terms to the Treasury over similarly structured municipal bond financing available to the non-Federal entity on the disbursement of the reimbursable Federal funds for the project.

(3) NON-FEDERAL POOL.—The term “non-Federal pool” means each of pools 22 through 40 of the California Aqueduct, which are owned by the State and operated by the California Department of Water Resources.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

1 (5) STATE.—The term “State” means the State
2 of California.

3 **SEC. 4. FRIANT-KERN CANAL AND DELTA-MENDOTA CANAL**
4 **SUBSIDENCE MITIGATION PROJECTS.**

5 (a) IN GENERAL.—The Secretary may provide finan-
6 cial assistance for the design, planning, and construction
7 of—

8 (1) Federal facility improvements to the Friant
9 Division, Central Valley Project, California, under
10 section 10201(a)(1) of the San Joaquin River Res-
11 toration Settlement Act (Public Law 111–11; 123
12 Stat. 1365); and

13 (2) a project to restore conveyance capacity at,
14 and to mitigate subsidence-related impacts on, the
15 Delta-Mendota Canal, through a partnership with—

16 (A) a public water agency that contracts
17 for the delivery of Central Valley Project water;
18 or

19 (B) a local joint powers authority formed
20 under State law by public water agencies that
21 contract for the delivery of Central Valley
22 Project water.

23 (b) COST-SHARING REQUIREMENT.—

24 (1) FEDERAL SHARE.—The Federal share of
25 the cost of carrying out a project under subsection

1 (a) shall be not more than 33 percent of the total
2 cost of the project, including amounts contributed
3 after October 1, 2018.

4 (2) FORM OF NON-FEDERAL SHARE.—The non-
5 Federal share of the cost of carrying out a project
6 under subsection (a) may be provided in the form of
7 cash or in-kind contributions, including the net
8 present value of the local contribution to the reim-
9 bursable Federal funding for the project after Octo-
10 ber 1, 2018.

11 (c) REQUIRED DETERMINATION BY SECRETARY.—
12 Federal funds shall not be made available under this Act
13 for a project under subsection (a) unless the Secretary de-
14 termines that—

15 (1) there is an adequate non-Federal cost share
16 to match the total amount of federally appropriated
17 financial assistance made available for the project as
18 of the date of the determination of the Secretary;
19 and

20 (2) the project is designed in a manner—

21 (A) to satisfy the purposes described in
22 section 2, after taking into account anticipated
23 future subsidence; and

24 (B) to comply with all applicable require-
25 ments of Federal and State law, including part

1 2.74 of division 6 of the California Water Code
2 (commonly known as the “California Sustain-
3 able Groundwater Management Act”).

4 **SEC. 5. CALIFORNIA AQUEDUCT SUBSIDENCE MITIGATION**
5 **PROJECT.**

6 (a) IN GENERAL.—The Secretary may provide finan-
7 cial assistance for the design, planning, and construction
8 of projects to restore conveyance capacity at, and to miti-
9 gate subsidence-related impacts on, the Federal pool and
10 non-Federal pool.

11 (b) NON-FEDERAL PARTNERS.—To carry out this
12 section, the Secretary may enter into partnerships with—

13 (1) the State; or

14 (2) a local joint powers authority formed under
15 State law by public water agencies that contract for
16 delivery of water from the Central Valley Project or
17 the State Water Project.

18 (c) COST-SHARING REQUIREMENT.—

19 (1) FEDERAL SHARE.—The Federal share of
20 the cost of carrying out a project under subsection
21 (a) shall be not more than 33 percent of the total
22 cost of the project, including any amounts expended
23 by the State for subsidence repairs in the Federal
24 pool and non-Federal pool for the project after Octo-
25 ber 1, 2018.

1 (2) FORM OF NON-FEDERAL SHARE.—The non-
2 Federal share of the cost of a project provided finan-
3 cial assistance under subsection (a) may be in the
4 form of cash or in-kind contributions.

5 (d) REQUIRED DETERMINATION BY SECRETARY.—
6 Federal funds shall not be made available under this Act
7 for a project under subsection (a) unless the Secretary de-
8 termines, with the concurrence of the Governor of the
9 State, that—

10 (1) there is an adequate non-Federal cost share
11 to match the total amount of federally appropriated
12 financial assistance made available for the project as
13 of the date of the determination of the Secretary;
14 and

15 (2) the project is designed in a manner—

16 (A) to satisfy the purposes described in
17 section 2, after taking into account anticipated
18 future subsidence; and

19 (B) to comply with all applicable require-
20 ments of Federal and State law, including part
21 2.74 of division 6 of the California Water Code
22 (commonly known as the “California Sustain-
23 able Groundwater Management Act”).

1 **SEC. 6. ENVIRONMENTAL COMPLIANCE.**

2 In carrying out a project under this Act, the Sec-
3 retary shall comply with applicable environmental laws, in-
4 cluding—

5 (1) the National Environmental Policy Act of
6 1969 (42 U.S.C. 4321 et seq.);

7 (2) the Endangered Species Act of 1973 (16
8 U.S.C. 1531 et seq.); and

9 (3) applicable State law.

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-
12 priated to the Secretary, as adjusted annually to reflect
13 changes since March 2021 in the Bureau of Reclamation
14 Construction Cost Trends Index applicable to the types
15 of construction involved—

16 (1) \$180,000,000 to carry out section 4(a)(1),
17 consistent with, and in addition to funding author-
18 ized under, section 10203(c) of the San Joaquin
19 River Restoration Settlement Act (Public Law 111–
20 11; 123 Stat. 1367);

21 (2) \$183,900,000 to carry out section 4(a)(2);

22 (3) \$194,000,000 to pay the Federal share for
23 the Federal pool under section 5;

24 (4) \$95,500,000 to pay the Federal share for
25 the non-Federal pool under section 5; and

1 (5) \$180,000,000 to implement the Restoration
2 Goal of the settlement described in section 10004 of
3 the San Joaquin River Restoration Settlement Act
4 (Public Law 111–11; 123 Stat. 1350), in addition to
5 the funding authorized under section 10009 of that
6 Act.

7 (b) LIMITATIONS.—Amounts made available under
8 subsection (a) may not be used—

9 (1) to build new surface storage;

10 (2) to raise existing reservoirs; or

11 (3) to enlarge the carrying capacity of a canal
12 constructed by the Bureau of Reclamation, except
13 for a temporary increase in carrying capacity that is
14 intended—

15 (A) to mitigate anticipated future subsid-
16 ence; and

17 (B) to avoid an increase in carrying capac-
18 ity that would otherwise be required on the oc-
19 currence of anticipated future subsidence.

20 (c) ADDITIONAL AMOUNTS.—Amounts made avail-
21 able under subsection (a) shall be—

22 (1) in addition to any other amounts made
23 available for the purposes described in that sub-
24 section; and

1 (2) nonreimbursable.

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