

117TH CONGRESS
1ST SESSION

S. 1179

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

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2021

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Energy and 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—

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

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

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

(B) groundwater recharge needed to assist in meeting groundwater sustainability goals established under State law; and

(C) the reliability of surface or groundwater supplies, portions of which serve disadvantaged communities.

SEC. 3. DEFINITIONS.

In this Act:

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

1 ING.—The term “net present value of the local con-
 2 tribution to reimbursable Federal funding” means,
 3 with respect to a project, the amount equal to the
 4 difference between—

5 (A) the total amount of reimbursable Fed-
 6 eral funds made available for a project; and

7 (B) the amount of the present value, as of
 8 the date of the calculation, of any interest sub-
 9 sidy provided through the repayment terms to
 10 the Treasury over similarly structured munic-
 11 ipal bond financing available to the non-Federal
 12 entity on the disbursement of the reimbursable
 13 Federal funds for the project.

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

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

22 (5) STATE.—The term “State” means the State
 23 of California.

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

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

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

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

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

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

21 (b) COST-SHARING REQUIREMENT.—

22 (1) FEDERAL SHARE.—The Federal share of
 23 the cost of carrying out a project under subsection
 24 (a) shall be not more than 33 percent of the total
 25 cost of the project, including amounts contributed
 26 after October 1, 2018.

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

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

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

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

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

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

1 **SEC. 5. CALIFORNIA AQUEDUCT SUBSIDENCE MITIGATION**
2 **PROJECT.**

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

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

10 (1) the State; or

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

15 (c) COST-SHARING REQUIREMENT.—

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

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

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

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

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

12 (A) to satisfy the purposes described in
13 section 2, after taking into account anticipated
14 future subsidence; and

15 (B) to comply with all applicable require-
16 ments of Federal and State law, including part
17 2.74 of division 6 of the California Water Code
18 (commonly known as the “California Sustain-
19 able Groundwater Management Act”).

20 **SEC. 6. ENVIRONMENTAL COMPLIANCE.**

21 In carrying out a project under this Act, the Sec-
22 retary shall comply with applicable environmental laws, in-
23 cluding—

24 (1) the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.);

- 1 (2) the Endangered Species Act of 1973 (16
2 U.S.C. 1531 et seq.); and
3 (3) applicable State law.

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated to the Secretary, as adjusted annually to reflect
7 changes since March 2021 in the Bureau of Reclamation
8 Construction Cost Trends Index applicable to the types
9 of construction involved—

10 (1) \$180,000,000 to carry out section 4(a)(1),
11 consistent with, and in addition to funding author-
12 ized under, section 10203(c) of the San Joaquin
13 River Restoration Settlement Act (Public Law 111–
14 11; 123 Stat. 1367);

15 (2) \$183,900,000 to carry out section 4(a)(2);

16 (3) \$194,000,000 to pay the Federal share for
17 the Federal pool under section 5;

18 (4) \$95,500,000 to pay the Federal share for
19 the non-Federal pool under section 5; and

20 (5) \$180,000,000 to implement the Restoration
21 Goal of the settlement described in section 10004 of
22 the San Joaquin River Restoration Settlement Act
23 (Public Law 111–11; 123 Stat. 1350), in addition to
24 the funding authorized under section 10009 of that
25 Act.

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

3 (1) to build new surface storage;

4 (2) to raise existing reservoirs; or

5 (3) to enlarge the carrying capacity of a canal
6 constructed by the Bureau of Reclamation, except
7 for a temporary increase in carrying capacity that is
8 intended—

9 (A) to mitigate anticipated future subsid-
10 ence; and

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

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

16 (1) in addition to any other amounts made
17 available for the purposes described in that sub-
18 section; and

19 (2) nonreimbursable.

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