

116TH CONGRESS  
2D SESSION

# H. R. 6684

To improve flood protection and water resources enhancement and utilization along the Sacramento River and in the Yolo Bypass region of California, to improve policies and procedures for civil works projects of the Army Corps of Engineers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2020

Ms. MATSUI (for herself and Mr. GARAMENDI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To improve flood protection and water resources enhancement and utilization along the Sacramento River and in the Yolo Bypass region of California, to improve policies and procedures for civil works projects of the Army Corps of Engineers, 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 shall be known as the “Yolo Bypass System  
5 Improvement Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) GOVERNOR.—The term “Governor” means  
2 the Governor of the State of California, acting  
3 through the Director of the Department of Water  
4 Resources and the President of the Central Valley  
5 Flood Protection Board, or their designees.

6           (2) SECRETARY.—The term “Secretary” means  
7 the Secretary of the Army, acting through the Chief  
8 of Engineers.

9           (3) YOLO BYPASS SYSTEM.—The term “Yolo  
10 Bypass System” means the system of weirs, levees,  
11 bypass structures, lands and other measures in Cali-  
12 fornia’s Sacramento River Valley, extending from  
13 the Fremont Weir near Woodland, California, to the  
14 Sacramento River near Rio Vista, California, author-  
15 ized pursuant to section 2 of the Act of March 1,  
16 1917 (chapter 144; 39 Stat. 948).

17           (4) YOLO BYPASS AND CACHE SLOUGH PART-  
18 NERSHIP; PARTNERSHIP.—The terms “Yolo Bypass  
19 and Cache Slough Partnership” and “Partnership”  
20 mean the group of parties to the Yolo Bypass and  
21 Cache Slough Memorandum of Understanding, effec-  
22 tive May 2016, regarding collaboration and coopera-  
23 tion in the Yolo Bypass and Cache Slough Region.

24 **SEC. 3. YOLO BYPASS SYSTEM COMPREHENSIVE STUDY.**

25           (a) COMPREHENSIVE STUDY.—

1           (1) IN GENERAL.—The Secretary, in collabora-  
2           tion with the Governor and in coordination with the  
3           participants described in paragraph (2), shall con-  
4           duct a comprehensive study of the Yolo Bypass Sys-  
5           tem that addresses multiple water resources and re-  
6           lated objectives within the Yolo Bypass System, in-  
7           cluding flood risk management, ecosystem restora-  
8           tion, water quality and supply, agriculture, and  
9           recreation.

10           (2) PARTICIPANTS.—In carrying out paragraph  
11           (1), the Secretary and the Governor shall coordinate  
12           with—

13                   (A) the members of the Yolo Bypass and  
14                   Cache Slough Partnership; and

15                   (B) other appropriate regional and local  
16                   agencies, municipalities, and counties, as deter-  
17                   mined appropriate by the Secretary and the  
18                   Governor.

19           (3) PRIOR INITIATIVES.—In conducting the  
20           study under paragraph (1), the Secretary shall in-  
21           corporate, to the maximum extent practicable, rel-  
22           evant information and findings from prior and ongo-  
23           ing initiatives addressing flood control in the Yolo  
24           Bypass region, such as—

1 (A) prior studies and projects by the Sec-  
2 retary, including the Sacramento River General  
3 Reevaluation Report;

4 (B) the State of California Central Valley  
5 Flood Protection Plan and Basin-Wide Feasi-  
6 bility Study and Lower Sacramento River/Delta  
7 North Regional Flood Management Plan;

8 (C) activities and findings of the Yolo By-  
9 pass and Cache Slough Partnership;

10 (D) the Sacramento and San Joaquin  
11 River Basins Comprehensive Study;

12 (E) the Governor's Water Resilience Port-  
13 folio Initiative; and

14 (F) other applicable Federal, State, re-  
15 gional, and local initiatives relating to flood  
16 control, ecosystem restoration, water supply, or  
17 agriculture.

18 (4) OBJECTIVES.—In conducting the study  
19 under paragraph (1), the Secretary shall study ways  
20 to—

21 (A) in carrying out studies and projects,  
22 increase the role of non-Federal sponsors by  
23 more fully incorporating the capabilities of the  
24 non-Federal sponsors in areas such as per-  
25 sonnel and funding resources, technical exper-

1           tise and experience, and knowledge in project  
2           planning, design, construction, real estate ac-  
3           quisition, contracting, project operation, and  
4           maintenance;

5           (B) improve the Secretary's approach to  
6           review and implementation of system-wide, mul-  
7           tipurpose water resources investigations with  
8           the goal of increasing the likelihood of favorable  
9           recommendations for congressional approval;

10          (C) improve the process for evaluating  
11          flood risk management for urban areas;

12          (D) improve the quantification and identi-  
13          fication of benefits provided by water resource  
14          development projects, including consideration of  
15          benefits relating to life safety, disadvantaged  
16          communities, business continuity, economic op-  
17          portunity, and emergency operations;

18          (E) incorporate the latest technical data  
19          and scientific approaches to changing hydro-  
20          logic and climatic conditions;

21          (F) improve the Secretary's ability to as-  
22          sess potential damage reduction to lands in ag-  
23          ricultural production, taking into account  
24          trends in conversion to higher-value crops;

1 (G) improve the Secretary's ability to con-  
2 sider potential flood risk management projects  
3 based on an integrated system basis rather than  
4 a solely incremental basis, using multi-benefit  
5 analyses;

6 (H) improve the Secretary's analyses of  
7 the costs of repetitive damages that are pre-  
8 vented by completing a project, especially in  
9 light of changes in hydrologic and climatic con-  
10 ditions; and

11 (I) improve the Secretary's ability to evalu-  
12 ate ecosystem restoration and other environ-  
13 mental benefits.

14 (5) REVIEW OF EXISTING AUTHORITIES.—

15 (A) IN GENERAL.—In conducting the  
16 study under paragraph (1), the Secretary shall  
17 include a review of existing Federal authorities,  
18 including the Secretary's guidance on imple-  
19 menting such authorities, relating to flood risk  
20 management and ecosystem restoration that  
21 could be more effectively applied to the Yolo  
22 Bypass System, with a focus on provisions of  
23 the Water Resources Reform and Development  
24 Act of 2014 (Public Law 113–121), the Water  
25 Resources Development Act of 2016 (title I of

1 Public Law 114–322), and the Water Resources  
2 Development Act of 2018 (title I of Public Law  
3 115–270) relating to the Secretary’s review of  
4 potential projects.

5 (B) INCLUSIONS.—In carrying out sub-  
6 paragraph (A), the Secretary shall include con-  
7 sideration of the following:

8 (i) The results of the studies and re-  
9 ports under, and the implementation guid-  
10 ance developed pursuant to, the following  
11 authorities:

12 (I) Section 3023 of the Water  
13 Resources Reform and Development  
14 Act of 2014.

15 (II) Section 3024 of the Water  
16 Resources Reform and Development  
17 Act of 2014.

18 (III) Section 1103 of the Water  
19 Resources Development Act of 2018.

20 (IV) Section 1204 of the Water  
21 Resources Development Act of 2018.

22 (V) Section 1211 of the Water  
23 Resources Development Act of 2018.

24 (VI) Section 1214 of the Water  
25 Resources Development Act of 2018.

1 (ii) The authorities provided by, and  
2 the requirements of, the following:

3 (I) Section 22 of the Water Re-  
4 sources Development Act of 1974 (42  
5 U.S.C. 1962d–16).

6 (II) Section 203 of the Water  
7 Resources Development Act of 1986  
8 (33 U.S.C. 2231).

9 (III) Section 204 of the Water  
10 Resources Development Act of 1986  
11 (33 U.S.C. 2232).

12 (IV) Section 906 of the Water  
13 Resources Development Act of 1986  
14 (33 U.S.C. 2283).

15 (V) The National Levee Safety  
16 Act of 2007 (33 U.S.C. 3301 et seq.).

17 (VI) Section 3022 of the Water  
18 Resources Reform and Development  
19 Act of 2014 (33 U.S.C. 2351).

20 (b) IDENTIFICATION AND EXPEDITED COMPLETION  
21 OF SPECIFIC STUDIES BY THE SECRETARY.—

22 (1) IDENTIFICATION.—Based on the study con-  
23 ducted under subsection (a), the Secretary shall  
24 identify site-specific studies of potential flood risk  
25 management and ecosystem restoration projects



1 within the Yolo Bypass System that have potential  
2 for resulting in projects that could be favorably rec-  
3 ommended for action to Congress.

4 (2) AUTHORIZATION.—The Secretary shall con-  
5 duct any site-specific study identified under para-  
6 graph (1), on an expedited basis, subject to the  
7 availability of appropriations.

8 (c) IDENTIFICATION OF SPECIFIC STUDIES AND INI-  
9 TIATIVES BY OTHERS.—

10 (1) IDENTIFICATION.—The Secretary, in col-  
11 laboration with the Governor and in coordination  
12 with other Federal participants in the study con-  
13 ducted under subsection (a), shall identify potential  
14 additional studies and initiatives within the purview  
15 of other Federal and State agencies to address, with  
16 respect to the Yolo Bypass System—

17 (A) aquatic and related terrestrial re-  
18 sources and habitat;

19 (B) water quality and supply;

20 (C) agricultural sustainability; and

21 (D) recreation.

22 (2) EFFECT ON OTHER ENTITIES.—Identifica-  
23 tion of a study by the Secretary under paragraph  
24 (1) shall not affect the authority of a Federal or  
25 State agency to carry out the study.

1 (d) INCORPORATION OF CONCURRENT INITIA-  
2 TIVES.—In carrying out this section, the Secretary shall,  
3 to the maximum extent practicable, incorporate findings  
4 available from the Yolo Bypass System master plan pre-  
5 pared under section 4, including baseline technical, hydro-  
6 logic and hydraulic, and environmental information, and  
7 incorporate the recommendations, policy guidance, and  
8 project prioritization of the Yolo Bypass and Cache Slough  
9 Partnership.

10 (e) COST SHARING.—The Federal share of the cost  
11 of conducting the study authorized in subsection (a) shall  
12 be 75 percent, and the non-Federal share shall be 25 per-  
13 cent. The non-Federal share may be contributed in the  
14 form of in-kind or cash contributions.

15 (f) REPORT TO CONGRESS.—Not later than 12  
16 months after the date of enactment of this Act, the Sec-  
17 retary shall transmit to the Committee on Transportation  
18 and Infrastructure of the House of Representatives and  
19 the Committee on Environment and Public Works of the  
20 Senate a report containing—

- 21 (1) findings from the study conducted under  
22 subsection (a);
- 23 (2) changes to policies that have been, or will  
24 be, implemented as a result of the study conducted  
25 under subsection (a), as they relate to the Yolo By-

1 pass System and nationally, including such changes  
2 resulting from the review of existing statutory au-  
3 thority under subsection (a)(5);

4 (3) site-specific studies in the Yolo Bypass Sys-  
5 tem that have been identified under subsection (b)  
6 and the Secretary's schedule for conducting such  
7 studies;

8 (4) potential studies and initiatives by others  
9 identified under subsection (c), along with the views  
10 of those agencies having jurisdiction;

11 (5) recommendations for legislative changes  
12 that are necessary to further the objectives described  
13 in subsection (a), relating to the Yolo Bypass system  
14 or nationally; and

15 (6) written views of the Governor on activities  
16 undertaken pursuant to this section.

17 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to the Secretary to carry  
19 out this section \$1,000,000.

20 **SEC. 4. YOLO BYPASS SYSTEM MASTER PLAN.**

21 (a) IN GENERAL.—The Secretary, in collaboration  
22 with the Governor and other Federal and non-Federal  
23 agencies with jurisdiction over the Yolo Bypass System,  
24 shall prepare a master plan for the study, implementation,  
25 and regulation of flood risk management projects and re-

1 lated water resources projects within the Yolo Bypass Sys-  
2 tem. The Secretary and the Governor shall determine  
3 other participants to be invited to participate in develop-  
4 ment and implementation of the plan.

5 (b) OBJECTIVES.—The overarching purposes of the  
6 master plan shall be to establish a framework for making  
7 better, quicker, and well-coordinated multi-level inter-  
8 agency decisions in the Yolo Bypass System for—

9 (1) the Secretary’s actions, relating to—

10 (A) civil works studies and projects under-  
11 taken for flood risk management and ecosystem  
12 restoration; and

13 (B) decisions on regulatory matters under  
14 the Secretary’s jurisdiction, including actions to  
15 better coordinate and facilitate programmatic  
16 and regulatory decisions; and

17 (2) actions by other Federal, State, and local  
18 agencies relating to implementing programs and  
19 policies and making decisions on regulatory matters  
20 within those agencies’ respective jurisdictions.

21 (c) SUPPORTING GOALS.—In preparing the plan, the  
22 entities participating in the preparation of the plan shall  
23 address the following goals:

24 (1) Address, coordinate, and provide a forum  
25 for developing consensus on the broad objectives of

1 the Yolo Bypass System integrated program estab-  
2 lished under section 5.

3 (2) Identify existing and planned activities  
4 within the Yolo Bypass System relating to flood risk  
5 management, ecosystem restoration, water quality  
6 and supply, agriculture, and recreation, within the  
7 jurisdiction of all participants in the plan.

8 (3) Integrate flood risk management and other  
9 water-related activities into a overall systemwide as-  
10 sessment.

11 (4) Identify specific challenges and opportuni-  
12 ties facing local, regional, State, and Federal agen-  
13 cies involved in or affected by projects or regulatory  
14 decisions in the Yolo Bypass System.

15 (d) MASTER PLAN COMPONENTS.—The master plan  
16 shall include the following:

17 (1) Establishment of a programmatic frame-  
18 work and documentation for engineering, technical,  
19 and environmental reviews associated with activity  
20 within the Yolo Bypass System, including civil works  
21 projects under the Secretary’s jurisdiction and pro-  
22 posed actions by other entities regulated by the Sec-  
23 retary pursuant to section 14 of the Act of March  
24 3, 1899 (33 U.S.C. 408), including—

1 (A) the development of a system-wide hy-  
2 draulic and ecosystem baseline to facilitate as-  
3 sessment of impacts of potential future projects,  
4 in order to streamline case-by-case reviews; and

5 (B) consideration of development of re-  
6 gional or programmatic assessments.

7 (2) Development of comprehensive short- and  
8 long-term general plans for future flood risk man-  
9 agement projects within the Yolo Bypass System, in-  
10 cluding their potential sequencing.

11 (3) Development of programmatic, regional, or  
12 systemwide environmental documentation to facili-  
13 tate future reviews of site-specific proposals.

14 (4) Development of a streamlined review and  
15 coordination process to expedite Federal and non-  
16 Federal regulatory requirements, including permits,  
17 approvals, and associated reviews.

18 (5) Evaluation and implementation of other  
19 baseline initiatives identified by agencies partici-  
20 pating in preparation of the plan that would facili-  
21 tate implementation or approval of initiatives relat-  
22 ing to flood risk reduction, ecosystem restoration,  
23 water quality and supply, agricultural sustainability,  
24 and recreation.

1 (e) COORDINATION WITH PARTNERSHIP.—To the  
2 maximum extent practicable, the plan shall incorporate  
3 the recommendations of Yolo Bypass and Cache Slough  
4 Partnership.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
6 authorized to be appropriated to the Secretary to carry  
7 out this section \$500,000.

8 **SEC. 5. YOLO BYPASS AND CACHE SLOUGH PARTNERSHIP**  
9 **AND YOLO BYPASS SYSTEM INTEGRATED**  
10 **PROGRAM.**

11 (a) YOLO BYPASS AND CACHE SLOUGH PARTNER-  
12 SHIP.—

13 (1) ROLE OF SECRETARY.—The Secretary may  
14 participate in, and provide administrative support to,  
15 the Yolo Bypass and Cache Slough Partnership.

16 (2) CONSULTATION.—In carrying out para-  
17 graph (1), the Secretary, in coordination with the  
18 Governor, may designate other entities to consult  
19 with the Partnership.

20 (3) SENSE OF CONGRESS.—It is the Sense of  
21 Congress that the Partnership should—

22 (A) establish an organizational and man-  
23 agement structure to identify roles, responsibil-  
24 ities, and means of engagement by member  
25 agencies of the Partnership;

1 (B) provide executive oversight and policy  
2 guidance for the Yolo Bypass System integrated  
3 program established under subsection (d);

4 (C) promote communication and coordina-  
5 tion among members of the Partnership and  
6 with the public;

7 (D) identify shared project implementation  
8 challenges and potential solutions, while ad-  
9 dressing potential conflict;

10 (E) prioritize recommended projects that  
11 advance the common vision of the Partnership  
12 and promote objectives of multibenefit projects;

13 (F) assist in securing Federal and State  
14 funding for project implementation and other  
15 initiatives;

16 (G) explore ways to expedite Federal,  
17 State, and local regulatory actions, for indi-  
18 vidual projects and on a programmatic basis;

19 (H) coordinate and assist Federal, State,  
20 regional, and local entities in facilitating project  
21 implementation; and

22 (I) recommend Federal and State legisla-  
23 tive and policy changes.

24 (b) YOLO BYPASS SYSTEM INTEGRATED PRO-  
25 GRAM.—



1           (1) IN GENERAL.—Not later than 6 months  
2 after the date enactment of this Act, the Secretary  
3 and the Governor, in consultation with other mem-  
4 bers of the Yolo Bypass and Cache Slough Partner-  
5 ship, shall establish a Yolo Bypass System inte-  
6 grated program.

7           (2) PROGRAM OBJECTIVES.—The program es-  
8 tablished under paragraph (1) shall—

9                   (A) provide coordinated implementation for  
10 projects, studies, programs, regulatory actions,  
11 and other activities undertaken by members of  
12 the Partnership;

13                   (B) include features and projects and ini-  
14 tiatives associated with flood risk management,  
15 ecosystem restoration, and water quality and  
16 water supply improvement, and provide for con-  
17 tinued agricultural, natural resource, and eco-  
18 nomic sustainability for the region; and

19                   (C) be used to track progress and coordi-  
20 nate project and program funding.

21           (3) MANAGEMENT.—The Secretary—

22                   (A) shall, with the Governor, manage the  
23 program established under paragraph (1); and

1 (B) may provide support for the day-to-day  
2 efforts undertaken by members of the Partner-  
3 ship to carry out activities under the program.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to the Secretary to carry  
6 out this section \$500,000 in each fiscal year.

7 **SEC. 6. EFFECT ON OTHER AUTHORITY.**

8 Participation by any State entity in the preparation  
9 or implementation of the master plan under section 4, or  
10 in the establishment, management, or implementation of  
11 the Yolo Bypass System integrated program under section  
12 5, shall not affect the existing authorities or responsibil-  
13 ities of the entity.

○