

116TH CONGRESS
2D SESSION

S. 3811

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

MAY 21, 2020

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 “Restoration of Essen-
5 tial Conveyance 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

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

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

6 (B) groundwater recharge needed to assist
7 in meeting groundwater sustainability goals es-
8 tablished under State law.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) **FEDERAL POOL.**—The term “Federal pool”
12 means each of pools 13 through 21 of the San Luis
13 Canal/California Aqueduct, which are owned by the
14 United States and operated by the California De-
15 partment of Water Resources under the agreement
16 entitled “Agreement Between the United States of
17 America and the Department of Water Resources of
18 the State of California for the Construction and Op-
19 eration of the Joint-Use Facilities of the San Luis
20 Unit” and dated December 30, 1961.

21 (2) **NON-FEDERAL POOL.**—The term “non-Fed-
22 eral pool” means each of pools 22 through 40 of the
23 California Aqueduct, which are owned by the State
24 of California and operated by the California Depart-
25 ment of Water Resources.

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

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

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

8 (a) IN GENERAL.—The Secretary may provide finan-
 9 cial assistance for the design, planning, and construction
 10 of—

11 (1) a project to restore conveyance capacity at,
 12 and to mitigate subsidence-related impacts on, the
 13 Friant-Kern Canal, through a partnership with a
 14 public water agency that, as of the date of enact-
 15 ment of this Act, is under contract with the United
 16 States for the operation and maintenance of the
 17 Friant-Kern Canal; and

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

21 (A) a public water agency that contracts
 22 for the delivery of Central Valley Project water;
 23 or

24 (B) a local joint powers authority formed
 25 under State law by public water agencies that

1 contract for the delivery of Central Valley
2 Project water.

3 (b) COST-SHARING REQUIREMENT.—

4 (1) FEDERAL SHARE.—The Federal share of
5 the cost of carrying out a project under subsection
6 (a) shall be—

7 (A) not more than 50 percent; and

8 (B) nonreimbursable.

9 (2) FORM OF NON-FEDERAL SHARE.—The non-
10 Federal share of the cost of carrying out a project
11 under subsection (a) may be provided in the form of
12 cash or in-kind contributions.

13 (c) REQUIRED DETERMINATION BY SECRETARY.—
14 The Secretary shall not make Federal funds available for
15 a project under subsection (a) until the date on which the
16 Secretary determines that the project is designed in a
17 manner—

18 (1) to satisfy the purposes described in section
19 2, after taking into account anticipated future sub-
20 sidence; and

21 (2) to comply with all applicable requirements
22 of Federal and State law, including part 2.74 of di-
23 vision 6 of the California Water Code (commonly
24 known as the “California Sustainable Groundwater
25 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 POOLS.—The Federal share of
 17 the cost of a project for a Federal pool under sub-
 18 section (a) shall—

19 (A) be not more than 50 percent;

20 (B) be nonreimbursable; and

21 (C) apply to any costs incurred by a
 22 project beneficiary under this section.

23 (2) NON-FEDERAL POOLS.—The Federal share
 24 of the cost of a project for a non-Federal pool under
 25 subsection (a) shall be—

26 (A) not more than 25 percent; and

1 (B) nonreimbursable.

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

6 (d) REQUIRED DETERMINATION BY SECRETARY.—
7 Federal funds shall not be made available for a project
8 under subsection (a) until the date on which the Secretary
9 determines, with the concurrence of the Governor of the
10 State, that the project is designed in a manner—

11 (1) to satisfy the purposes described in section
12 2, after taking into account anticipated future sub-
13 sidence; and

14 (2) to comply with all applicable requirements
15 of Federal and State law, including part 2.74 of di-
16 vision 6 of the California Water Code (commonly
17 known as the “California Sustainable Groundwater
18 Management Act”).

19 **SEC. 6. ENVIRONMENTAL COMPLIANCE.**

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

23 (1) the National Environmental Policy Act of
24 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—

- 7 (1) \$200,000,000 to carry out section 4(a)(1);
8 (2) \$200,000,000 to carry out section 4(a)(2);
9 (3) \$100,000,000 to pay the Federal share
10 under section 5(c)(1);
11 (4) \$100,000,000 to pay the Federal share
12 under section 5(c)(2); and
13 (5) \$200,000,000 (at February 2020 price lev-
14 els) to implement the Restoration Goal of the settle-
15 ment described in section 10004 of the San Joaquin
16 River Restoration Settlement Act (Public Law 111–
17 11; 123 Stat. 1350), in addition to the funding au-
18 thorized in section 10009 of that Act.

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

- 21 (1) to build new surface storage;
22 (2) to raise existing reservoirs; or
23 (3) to enlarge the carrying capacity of a canal
24 constructed by the Bureau of Reclamation, except

1 for a temporary increase in carrying capacity that is
2 intended—

3 (A) to mitigate anticipated future subsid-
4 ence; and

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

8 (c) **ADDITIONAL AMOUNTS.**—Amounts made avail-
9 able under subsection (a) shall be—

10 (1) in addition to any other amounts made
11 available for the purposes described in that sub-
12 section; and

13 (2) nonreimbursable.

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