



Santa Clara Valley Water District

File No.: 20-0732

Agenda Date: 10/27/2020

Item No.: 3.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Recommended Positions on Federal Legislation: H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

RECOMMENDATION:

Adopt a position of "Support and Amend" on H.R. 8166 (Cox) - Western Water Storage Infrastructure Act.

SUMMARY:

H.R. 8166 (Cox) - Western Water Storage Infrastructure Act

Recommendation: Support and Amend

Priority: 2

This bill would address the continued need for new water supply and improved water infrastructure in California and throughout the arid West. With the Water Infrastructure Improvements for the Nation (WIIN) Act expiring at the end of 2020 and much of the funding having already been exhausted, this bill would extend some of the WIIN Act provisions and authorize new storage funding. Key provisions include:

- Authorizes \$800 million in new funding for water storage projects. This represents a significant increase over the \$335 million authorized under the Water Infrastructure Improvements for the Nation (WIIN) Act, funding that has already been appropriated.
- Preserves the WIIN Act process for projects that are already going through that process, including "State-led" projects like the Pacheco Reservoir Expansion Project.
- Reauthorizes the California Bay-Delta Restoration Act (CALFED) through fiscal year 2024, which would mean continued authorization for the San Luis Low Point Improvement Project for which the Pacheco Project is the Preferred National Economic Development alternative.
- Extends the Delta operations provisions of the WIIN Act for eight years. These provisions set direction for operation of the Central Valley Project with the goal of balancing water supply and environmental protection objectives.

Status:

The bill was introduced in the House on September 4, 2020, and was referred to the Committee on Natural Resources.

Proposed Amendments:

In order to better serve the interests of Santa Clara County residents, Valley Water recommends the following amendments to the bill:

1. Under the provision to extend the California Bay-Delta Restoration Act (CALFED), include a repeal of language from the original CALFED law that expressly prohibits the use of funding for construction of an expanded Pacheco Reservoir.
2. Include language to enable certain non-federal dams to be eligible for dam rehabilitation and repair funding. The Federal Emergency Management Agency (FEMA) currently operates a grant program to rehabilitate high hazard potential dams - one of the only sources of federal dam safety and repair funding available. However, dams with hydroelectric facilities are not eligible to access this funding. Staff recommends including language in this bill to enable dams with small hydroelectric power generation (under 1.5 megawatts) to be eligible for FEMA dam rehabilitation grant funding. This change could allow Anderson Dam and certain other non-federal dams to become eligible for critical retrofit and repair funding. Rehabilitating our nation's highest risk dams, the vast majority of which are non-federal, should be an essential component of any water infrastructure legislation.

Importance to Valley Water:

This bill would extend several key provisions of the WIIN Act and authorize new storage funding, helping to preserve the only real means of federal support for water storage projects that currently exists. New funding for storage is critical for ensuring future water supply reliability, particularly as we continue to see the effects of a changing climate year after year. The bill would also extend WIIN Act Delta operations provisions, which have set the direction on how the Central Valley Project is to balance water supply and ecosystem objectives.

Pros:

- Extends key provisions of the WIIN Act, including authorizing new funding for water storage projects (\$800 million). As Congress has already appropriated all prior authorized appropriations under the WIIN Act, the significant unmet demand demonstrates the need for new funds.
- Reauthorizes the CALFED law through fiscal year 2024, which includes authorization for the San Luis Low Point Improvement Project for which the Pacheco Project is the Preferred National Economic Development alternative.
- Extends the Delta Operations provisions of the WIIN Act for eight years.

Cons:

- Without the proposed amendments, the bill does not include any provisions for funding dam safety or rehabilitation or fixing potentially problematic language pertaining to Pacheco Reservoir.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

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