



# Santa Clara Valley Water District

**File No.:** 20-0114

**Agenda Date:** 7/28/2020

**Item No.:** 3.4.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Adopt Recommended Positions on Federal Legislation: H.R. 7073 (Garamendi) Special Districts Provide Essential Services Act; S. 3811 (Feinstein) Restoration of Essential Conveyance Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

### **RECOMMENDATION:**

- A. Adopt a position of "Support" on H.R. 7073 (Garamendi) - Special Districts Provide Essential Services Act; and
- B. Adopt a position of "Support" on S. 3811 (Feinstein) - Restoration of Essential Conveyance Act.

### **SUMMARY:**

#### **A. H.R. 7073 (Garamendi) - Special Districts Provide Essential Services Act**

##### **Recommendation: Support**

##### **Priority Recommendation: 2**

This bill would make special districts eligible for future federal assistance that Congress provides in response to the COVID-19 pandemic. Under two previously-passed bills, the Families First Coronavirus Relief Act (H.R. 6201) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748), special districts were specifically excluded from receiving direct federal assistance for which states and local governments were eligible. This bill would make special districts eligible for any future federal assistance related to COVID-19 that is provided to state, county, and local governments.

### **Status:**

The bill was introduced in the House on June 1, 2020, and was referred to the Committee on Oversight and Reform, in addition to the Committee on Financial Services. Representatives Jimmy Panetta (CA-20) and Ro Khanna (CA-17) are original cosponsors.

### **Importance to Valley Water:**

This bill would make special districts, such as Valley Water, eligible for any future federal assistance related to COVID-19. While Valley Water has had to make tough financial decisions in light of the pandemic, including delaying non-essential but nonetheless important projects and programs to future years, Valley Water has been in a better financial position than some other jurisdictions. Nevertheless, financial assistance for Valley Water would help bring much-needed economic stimulus

to our region.

**Pros:**

- The bill would provide a source of new funding that could help Valley Water mitigate additional COVID-related financial impacts and bring additional economic assistance to our region.

**Cons:**

- None identified at this time.

**B. S. 3811 (Feinstein) - Restoration of Essential Conveyance Act**

**Recommendation: Support**

**Priority: 2**

This bill would authorize \$400 million to accelerate and complete repairs to the Delta-Mendota Canal and California Aqueduct, and it would also authorize \$200 million to accelerate and complete repairs to the Friant-Kern Canal. All three of these facilities are operating below capacity due to significant subsidence.

The bill also authorizes an additional \$200 million to implement the San Joaquin River Restoration Settlement, on top of the \$250 million in federal funding that was originally authorized under the San Joaquin River Restoration Settlement Act of 2009 (plus funding to be paid by Friant Division contractors and the State). The settlement agreement, reached in 2006 between the U.S. Departments of the Interior and Commerce, the Natural Resources Defense Council, and the Friant Division contractors, sets terms to further the dual goals of restoring and maintaining the fish populations in the San Joaquin River below Friant Dam, and minimizing or avoiding any resulting adverse water supply impacts to Friant Division contractors.

This bill is a companion to legislation introduced in the House by Congressman TJ Cox (H.R. 5316, the Move Water Now Act) and Congressman Jim Costa (H.R. 5752, the Conveyance Capacity Correction Act), both of which the Board supported earlier in 2020.

**Status:**

The bill was introduced in the Senate on May 21, 2020, and was referred to the Committee on Energy and Natural Resources.

**Importance to Valley Water:**

The Delta-Mendota Canal and California Aqueduct are two conveyance facilities critical to delivering imported water to San Luis Reservoir. The Delta-Mendota Canal, built in 1951, is a 117-mile canal that carries water from the Sacramento-San Joaquin Delta southward, emptying in the San Joaquin River near the city of Mendota. Along the way, water is pumped into San Luis Reservoir where it is accessed by Central Valley Project (CVP) contractors, including Valley Water. The California Aqueduct, built in 1963, is a more than 400-mile long system of canals, pipelines, and tunnels that is the central means of conveyance for the State Water Project (SWP). The Aqueduct carries water from the Delta southward, emptying in Lake Cachuma in Santa Barbara County.

These conveyance facilities are an essential component of transporting both CVP and SWP water to

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the San Luis Reservoir, which Valley Water then imports into Santa Clara County, and both facilities are operating below capacity due to significant subsidence. An infusion of federal funding would help make repairs to these critical facilities to restore carrying capacity.

Finally, repairing the Friant-Kern Canal is a worthy goal, helping to improve the reliability of conveyance of water throughout the CVP system, which benefits Valley Water. The additional authorization for funding to implement the San Joaquin River Restoration Settlement Act would also help relieve funding pressure for Delta-related activities (once funding is appropriated), helping to move the Delta Conveyance Project forward.

***Pros:***

- Authorizes funding for the much-needed repair and restoration of the Delta-Mendota Canal, which transports CVP water to San Luis Reservoir, and the California Aqueduct, which transports both CVP and SWP water to San Luis Reservoir.
- Funding to repair the Friant-Kern Canal would help improve the reliability of conveyance of water throughout the CVP system, benefitting Valley Water.
- Additional federal funding for implementing the San Joaquin River Restoration Settlement Act would, if appropriated, free up additional funding for Delta conveyance and other Delta-related activities.

***Cons:***

- None identified at this time.

**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 a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

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