To amend the Calfed Bay-Delta Authorization Act to authorize the Secretary of the Interior to provide assistance to non-Federal interests for levee stability improvements located within the Sacramento-San Joaquin Delta related to Bureau of Reclamation Central Valley Project water deliveries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2012

Mr. Garamendi (for himself, Mr. George Miller of California, Mr. Thompson of California, Mr. McNerney, and Ms. Matsui) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Calfed Bay-Delta Authorization Act to authorize the Secretary of the Interior to provide assistance to non-Federal interests for levee stability improvements located within the Sacramento-San Joaquin Delta related to Bureau of Reclamation Central Valley Project water deliveries, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

This Act may be cited as the “Shielding Against Flood Emergencies Levee Act” or “SAFE Levee Act”.

5
SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For over 60 years, the Bureau of Reclamation has used the channels and sloughs of the Sacramento-San Joaquin Delta to facilitate the delivery of water to the Federal Central Valley Project pumps located in the southern edge of the Delta.

(2) The movement of water through these waterways has created stress, degradation, and weakening of the levees that are intended to protect adjacent land from flooding.

(3) On July 25, 2012, the Secretary of the Interior announced details of Federal support for a proposed water project entitled the Bay Delta Conservation Plan, which calls for a dual conveyance system that would transport water around the Delta using an isolated conveyance facility, while also continuing to move water through the Delta’s interior.

(4) Under the Bay Delta Conservation Plan, the Bureau of Reclamation will continue to rely on the Delta and its levees to facilitate water deliveries to exporters until and after an isolated conveyance facility is built.

(5) Despite the Bureau of Reclamation’s vested stake in the stability of these levees, the Department of the Interior has failed to address levee stability in
the Bay Delta Conservation Plan or through any
other rudimentary maintenance measures.

(6) To ensure that Central Valley Project water
deriveries are not disrupted due to levee failure, the
Bureau of Reclamation should provide financial as-
sistance to public levee owners for maintenance and
levee improvements.

SEC. 3. SACRAMENTO-SAN JOAQUIN DELTA LEVEE STA-
BILITY IMPROVEMENTS RELATED TO BU-
REAU OF RECLAMATION CENTRAL VALLEY
PROJECT WATER DELIVERIES.

Section 103 of the Calfed Bay-Delta Authorization
Act (title I of Public Law 108–361; 118 Stat. 1683) is
amended—

(1) in subsection (e)(2), by striking “para-
graphs (1), (2), and (4) of subsection (f)” and in-
serting “paragraphs (1), (2), (4), and (5) of sub-
section (f)” ; and

(2) in subsection (f), by adding at the end the
following new paragraph:

“(5) DELTA LEVEE STABILITY MAINTENANCE
AND IMPROVEMENTS RELATED TO BUREAU OF RECL-
AMATION CENTRAL VALLEY PROJECT WATER DE-
LIVERIES.—"
“(A) PROGRAM REQUIRED.—The Secretary shall establish a program to provide assistance to non-Federal interests for stability maintenance and improvement on levees within the Sacramento-San Joaquin Delta (as defined in Cal. Water Code §12220) that facilitate Bureau of Reclamation water deliveries to Central Valley Project contractors. The Secretary shall prioritize the projects for which assistance will be provided under this paragraph based on the extent to which the levees covered by the projects are necessary for Bureau of Reclamation water deliveries.

“(B) FORM OF ASSISTANCE.—Assistance provided under this paragraph may be in the form of financial assistance for water-supply reliability related levee maintenance and improvements within the Delta.

“(C) LIMITATIONS; CONTINUED LIABILITY.—The Secretary may provide assistance for a levee stability maintenance and improvement project under this paragraph only if the levee directly facilitates deliveries of water for the Central Valley Project and is publically owned. The provision of Federal assistance shall not be
construed to change liability associated with the levee.

“(D) FEDERAL SHARE.—The Federal share of the cost of a levee stability maintenance and improvement project under this paragraph may not exceed 50 percent of the total project costs. The assistance may be provided in the form of grants or reimbursements of project costs.

“(E) IMPLEMENTATION COSTS.—Costs associated with implementation of the program under this paragraph may be considered a reimbursable Federal expenditure allocable to Central Valley Project subunits south of the Delta that receive and benefit from water conveyed through the Delta. Such costs shall be repayable by water service contractors within those subunits.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this paragraph.”.
SEC. 4. EVALUATION OF BENEFITS AND COSTS OF CONVEYANCE ALTERNATIVES BEING CONSIDERED UNDER THE BAY DELTA CONSERVATION PLANNING PROCESS.

(a) Benefits and Costs Analysis and Evaluation.—The Secretary of the Interior shall carry out an analysis and evaluation of the costs and benefits of options for facilitating conveyance of water deliveries to Central Valley Project contractors being considered in the Bay Delta Conservation Planning process, including at least one option that does not require the construction of one or more water conveyance tunnels.

(b) Required Elements.—The analysis and evaluation under subsection (a) shall include at a minimum the following:

(1) The total project costs, including environmental review, planning, design, construction, mitigation, and all related expenses, and the methods for paying those costs.

(2) The expected impacts of the project on taxpayers, water ratepayers, and the general fund of the Treasury.

(3) Whether the analysis of the costs and benefits determines that the direct social and environmental benefits of any proposed project or plan out-
weigh its social and environmental costs over the analysis period.

(c) Presentation.—The analysis conducted under subsection (a) shall be displayed as either the quotient of benefits divided by costs representing the benefit to cost ratio, the difference between benefits and costs representing the net benefits, or both. The analysis shall include whether the present value of the proposed project exceeds the present value of its net benefits over the life of the project or plan.

(d) Submission.—The Secretary shall report the findings of the analysis and evaluation conducted under subsection (a) to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate no later than June 30, 2013.