

112TH CONGRESS  
2D SESSION

# H. R. 6484

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.

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## 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

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## 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 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 “Shielding Against  
5 Flood Emergencies Levee Act” or “SAFE Levee Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) For over 60 years, the Bureau of Reclama-  
4 tion has used the channels and sloughs of the Sac-  
5 ramento-San Joaquin Delta to facilitate the delivery  
6 of water to the Federal Central Valley Project  
7 pumps located in the southern edge of the Delta.

8 (2) The movement of water through these wa-  
9 terways has created stress, degradation, and weak-  
10 ening of the levees that are intended to protect adja-  
11 cent land from flooding.

12 (3) On July 25, 2012, the Secretary of the In-  
13 terior announced details of Federal support for a  
14 proposed water project entitled the Bay Delta Con-  
15 servation Plan, which calls for a dual conveyance  
16 system that would transport water around the Delta  
17 using an isolated conveyance facility, while also con-  
18 tinuing to move water through the Delta's interior.

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

24 (5) Despite the Bureau of Reclamation's vested  
25 stake in the stability of these levees, the Department  
26 of the Interior has failed to address levee stability in

1 the Bay Delta Conservation Plan or through any  
2 other rudimentary maintenance measures.

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

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

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

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

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

21 “(5) DELTA LEVEE STABILITY MAINTENANCE  
22 AND IMPROVEMENTS RELATED TO BUREAU OF REC-  
23 LAMATION CENTRAL VALLEY PROJECT WATER DE-  
24 LIVERIES.—

1           “(A) PROGRAM REQUIRED.—The Secretary  
2 shall establish a program to provide assistance  
3 to non-Federal interests for stability mainte-  
4 nance and improvement on levees within the  
5 Sacramento-San Joaquin Delta (as defined in  
6 Cal. Water Code §12220) that facilitate Bureau  
7 of Reclamation water deliveries to Central Val-  
8 ley Project contractors. The Secretary shall  
9 prioritize the projects for which assistance will  
10 be provided under this paragraph based on the  
11 extent to which the levees covered by the  
12 projects are necessary for Bureau of Reclama-  
13 tion water deliveries.

14           “(B) FORM OF ASSISTANCE.—Assistance  
15 provided under this paragraph may be in the  
16 form of financial assistance for water-supply re-  
17 liability related levee maintenance and improve-  
18 ments within the Delta.

19           “(C) LIMITATIONS; CONTINUED LIABIL-  
20 ITY.—The Secretary may provide assistance for  
21 a levee stability maintenance and improvement  
22 project under this paragraph only if the levee  
23 directly facilitates deliveries of water for the  
24 Central Valley Project and is publically owned.  
25 The provision of Federal assistance shall not be

1 construed to change liability associated with the  
2 levee.

3 “(D) FEDERAL SHARE.—The Federal  
4 share of the cost of a levee stability mainte-  
5 nance and improvement project under this  
6 paragraph may not exceed 50 percent of the  
7 total project costs. The assistance may be pro-  
8 vided in the form of grants or reimbursements  
9 of project costs.

10 “(E) IMPLEMENTATION COSTS.—Costs as-  
11 sociated with implementation of the program  
12 under this paragraph may be considered a reim-  
13 bursable Federal expenditure allocable to Cen-  
14 tral Valley Project subunits south of the Delta  
15 that receive and benefit from water conveyed  
16 through the Delta. Such costs shall be repay-  
17 able by water service contractors within those  
18 subunits.

19 “(F) AUTHORIZATION OF APPROPRIA-  
20 TIONS.—There is authorized to be appropriated  
21 such sums as may be necessary to carry out  
22 this paragraph.”.

1 **SEC. 4. EVALUATION OF BENEFITS AND COSTS OF CONVEY-**  
2 **ANCE ALTERNATIVES BEING CONSIDERED**  
3 **UNDER THE BAY DELTA CONSERVATION**  
4 **PLANNING PROCESS.**

5 (a) **BENEFITS AND COSTS ANALYSIS AND EVALUA-**  
6 **TION.**—The Secretary of the Interior shall carry out an  
7 analysis and evaluation of the costs and benefits of options  
8 for facilitating conveyance of water deliveries to Central  
9 Valley Project contractors being considered in the Bay  
10 Delta Conservation Planning process, including at least  
11 one option that does not require the construction of one  
12 or more water conveyance tunnels.

13 (b) **REQUIRED ELEMENTS.**—The analysis and eval-  
14 uation under subsection (a) shall include at a minimum  
15 the following:

16 (1) The total project costs, including environ-  
17 mental review, planning, design, construction, miti-  
18 gation, and all related expenses, and the methods for  
19 paying those costs.

20 (2) The expected impacts of the project on tax-  
21 payers, water ratepayers, and the general fund of  
22 the Treasury.

23 (3) Whether the analysis of the costs and bene-  
24 fits determines that the direct social and environ-  
25 mental benefits of any proposed project or plan out-

1 weigh its social and environmental costs over the  
2 analysis period.

3 (c) PRESENTATION.—The analysis conducted under  
4 subsection (a) shall be displayed as either the quotient of  
5 benefits divided by costs representing the benefit to cost  
6 ratio, the difference between benefits and costs rep-  
7 resenting the net benefits, or both. The analysis shall in-  
8 clude whether the present value of the proposed project  
9 exceeds the present value of its net benefits over the life  
10 of the project or plan.

11 (d) SUBMISSION.—The Secretary shall report the  
12 findings of the analysis and evaluation conducted under  
13 subsection (a) to the Committee on Natural Resources of  
14 the House of Representatives and the Committee on En-  
15 ergy and Natural Resources of the Senate no later than  
16 June 30, 2013.

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