Meeting Agenda

Location: Colusa Industrial Properties Conference Room, 100 Sunrise Blvd., Colusa, CA 95932

NOTE: There will be limited in-person seating available. Physical distancing will be enforced. Groundwater Commissioners, Staff and representatives of the Public Hearing portion of the agenda will have first priority for in-person seating.

Attendees may participate via teleconference, pursuant to the Governor’s Executive Order N-29-20. Members of the Public are encouraged to participate in the meeting via teleconference.

Attendees on the teleconference will be able to listen to the meeting and provide any comments by dialing in to the teleconference at the number below:

Dial: 1-800-356-8278
Code: 877875 (Please keep your phone on mute unless speaking)

Date: June 3, 2020
Time: 1:00 p.m.

* Indicates Action Item

1. CALL TO ORDER
   a. Pledge of Allegiance
   b. Roll Call of Commissioners
   c. Introduction of Others
   d. *Approval of Minutes from the February 12, 2020 Meeting
   e. Period of Public Comment

Any person wishing to address the Commission on any item not on today’s Agenda may do so at this time. The Commission will not be making a decision or determination on items brought up during Public Comment.

2. DISCUSSION/ACTION ITEMS
   a. PUBLIC HEARING
      i. Discuss and consider a request from Sycamore Mutual Water Company for a permit to participate in a short-term (less than one year) groundwater substitution water transfer to San Luis and Delta-Mendota Water Authority, outside of the County

3. **UPDATES AND REMINDERS**
   a. Legislative Update Correspondence from NCWA
   b. Commissioner Comments and Updates
   c. Items for Next Agenda

4. **ADJOURNMENT**
   Next Regular meeting date: **August 5, 2020**

TO THOSE WHO PARTICIPATE IN COMMISSION PROCEEDINGS: California Government Code Section 84308 requires you to disclose campaign contributions to Groundwater Management Commissioners if they amount to $250 or more and were made within the last twelve months. Please announce your applicable campaign contributions when you speak.

In compliance with the Americans with Disability Act, if you require special accommodations to participate in this meeting, please contact the Colusa County Water Resources Division at 530-458-0719 prior to the meeting and arrangements will be made to accommodate you.
COLUSA COUNTY GROUNDWATER COMMISSION

Darrin Williams, Dist. 1 | Deke Dormer, Dist. 2 | Matt LaGrande, Dist. 3 | Tom Charter, Dist. 4 | Jeff Moresco, Dist. 5

Meeting Minutes

Location: Colusa Industrial Properties Conference Room
100 Sunrise Blvd., Colusa, CA 95932

Date: November 6, 2019
Time: 10:00 a.m. - Noon

CALL TO ORDER
Chair Williams opened the meeting at 10:00 a.m. The meeting began with the Pledge of Allegiance, a Roll Call of Officers and introductions of others in attendance.

Introductions
Staff and public in attendance:
Mary Fahey, Colusa County Water Resources Manager
Denise Carter, Supervisor, District V
Erin Smith, Department of Water Resources, Northern Region Office
Elaine Rominger
Mathew Jones, T&P Farms
Lenore Kitts
Kurtis Klein

Roll Call
Commissioners Present: Dormer, Moresco, LaGrande and Williams
Commissioners Absent: Charter

Approval of Minutes from the November 6, 2019 Meeting
Motion: Commissioner LaGrande moved to approve the November 6, 2019 meeting minutes. Commissioner Dormer seconded. The motion passed 4-0 (1 absent).

Period of Public Comment
There was no public comment.
PUBLIC FORUM

**DWR Update:** Erin Smith, California Department of Water Resources, Northern Region Office
Ms. Smith provided a PowerPoint presentation regarding groundwater conditions and precipitation. Questions were asked regarding frequency of groundwater level measurements and the number of wells that DWR monitors in the County. It was also asked if DWR considers weather conditions and surface water availability when they develop the groundwater level change maps. Currently that information is not integrated into the maps, but the data is available.

**Colusa Groundwater Authority SGMA Update; Commissioner Moresco, Commissioner Williams, Mary Fahey (Staff)**
Ms. Fahey stated that the main focus of the Groundwater Authority currently is on development of Groundwater Sustainability Plans (GSP). GSPs for the critically overdraft basins were due January 31, 2020. The plan for the Colusa Basin is due in January 2022. It is extremely important that landowners are engaged in the Plan development process.

**Legislative Activities; Staff and Commissioners**
  i. Water Resilience Portfolio
  ii. Delta Conveyance Environmental Review
Ms. Fahey described the elements in the draft Water Resilience Portfolio that are relevant to groundwater management, groundwater recharge, Sites Reservoir and Voluntary Agreements. She described the Plan’s support for collaborative, multi-benefit, multi-partner programs. Some questionable aspects of the draft Plan include support of dam removal which would impact hydro-power operations. There is also a need for adequate funding to implement these programs, especially in rural areas such as Colusa County.

Ms. Fahey also provided a brief description of the Delta Conveyance project (single tunnel project) currently under environmental review. Notice of Preparation for this proposal was released January 15. Public comments on the NOP are due on March 20, 2020 by 5 p.m.

**DISCUSSION/ACTION ITEMS**

**Review and Consider Approval of Annual Goals and Objectives**
Motion: Commissioner Moresco moved to approve the 2020 Groundwater Commission Goals and Objectives as presented. Commissioner Dormer seconded. The motion passed 4-0 (1 absent).

**Annual Report to the Board of Supervisors**
Motion: Commissioner Dormer moved to appoint Commissioner Williams to provide the Annual Report to the Board of Supervisors. Commissioner Moresco seconded. The motion passed 4-0 (1 absent).

Ms. Fahey will place the item on the Board of Supervisors Agenda and advise the Commissioners of the date, anticipated to be March 24, 2020.

**UPDATES AND REMINDERS**

**Commissioner Comments and Updates**
Commissioner Dormer reported that he recently had the opportunity to fly over the local area. He noticed that there were far less flooded rice fields than in the past. Rice growers are bailing rather than flooding.
There is a new fiberboard plant in Willows that is making particle board out of rice straw. It is a very large operation that appears to be impacting the number of acres flooded for rice decomp.

Reminder – Commissioner terms of office
Ms. Fahey stated that District 2, 3 and 4 Commissioners’ terms are up December 31, 2020

Items for Next Agenda
DWR update – observations on submitted Groundwater Sustainability Plans
Update on data gathering and studies on the west side of the Colusa Subbasin
DWR – information on monitoring well program
Water rights attorney to discuss water rights issues related to groundwater recharge

ADJOURNMENT
Next Regular meeting date: May 6, 2020 at 10:00 am.

The meeting was adjourned at 11:34 p.m.
Colusa County Groundwater Commission Meeting

June 3, 2020

STAFF REPORT

**Agenda Item 2a: PUBLIC HEARING**

Agenda Item 2a.i
Discuss and consider a request from Sycamore Mutual Water Company for a permit to participate in a short-term (less than one year) groundwater substitution water transfer to San Luis and Delta-Mendota Water Authority, outside of the County

**BACKGROUND:**
Chapter 43, Section 43-4 of Colusa County Code dictates that a permit is required for any groundwater transfers outside of the County. The Colusa County Groundwater Commission is the body that receives and processes groundwater transfer requests.

On April 14, 2020, Sycamore Mutual Water Company (SMWC) provided the Colusa County Groundwater Commission (Commission), via Staff, with a letter of intent to seek a permit to transfer a maximum of 5,000 acre-feet of water through an out-of-county groundwater substitution transfer to San Luis and Delta-Mendota Water Authority in 2020. Of the proposed 5,000 acre-feet of water, 1,500 acre-feet will be transferred to Westside Water District in Colusa County, leaving 3,500 acre-feet proposed to be transferred outside of the County.

SMWC is a party to the Long-term Groundwater Transfer Plan developed by the United States Bureau of Reclamation and the San Luis and Delta-Mendota Water Authority. In this Plan, SMWC is approved to transfer up to a maximum of 20,000 acre-feet of water each year. Links to the Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report and Mitigation Plan are provided at the end of this report in the “Attachments” section. The required CEQA documentation is included in these documents.

**Administrative Information**
Pursuant to Section 43-8 of Colusa County code, a 30-day comment period regarding SMWC’s proposed out-of-county water transfer was opened on May 1, 2020 and closed May 30, 2020. The Groundwater Commission received two comment letters which are attached at the end of this report in the “Attachments” section.

As is also required, a Notice of Public Hearing for today’s meeting was printed in the Williams Pioneer Review newspaper on May 13, 2020.
Findings
Pursuant to section 43-10 of County Code, the Commission must make the seven findings listed below in order to approve a permit application:

43-10 Findings required for permit approval or denial by the commission.
(a) The application for a groundwater transfer permit may be approved and recommended for approval only upon findings of a majority of the membership of the commission present at the required public meeting, and a majority of the total membership of the commission, that the proposed groundwater extraction will not have significant adverse impacts on the affected groundwater basin, and specifically that:

(1) The proposed extraction will not cause or increase any undesirable effects in the groundwater basins underlying the county;

(2) The proposed extraction will not adversely affect the long-term storage capacity or transmissivity of the groundwater basins underlying the county;

(3) The proposed extraction will not cause the groundwater basins underlying the county to exceed their sustainable yield and will not otherwise injure or unreasonably impact other beneficial uses of the groundwater within the county;

(4) The proposed extraction will not result in an injury or adverse impact to a water replenishment, storage, or restoration project currently operating in accordance with statutory authorization;

(5) The proposed extraction is in compliance with Water Code Section 1220;

(6) The proposed extraction will not be otherwise detrimental to the health, safety and welfare of the county or property owners overlying groundwater basins within the county in the vicinity of the proposed extraction site(s); and

(7) The proposed extraction will not cause adverse impacts to water quality conditions in the groundwater basins underlying the county, or result in compactions, subsidence or other undesirable results in the groundwater basins underlying the county.

(b) If the commission determines that it cannot make one or more of the findings required by this section, upon consideration of the entire record, it shall deny the permit application. The basis for any such denial recommendation shall be made in writing and documented in the commission’s official record of proceedings.

The applicant bears the burden of establishing all facts necessary for the Commission to make the required findings.

ATTACHMENTS:
The following documents can be found online at the links below:


3. Long-Term Water Transfers All documents:

4. Colusa County Code, Chapter 43: Groundwater Management:
https://www.codepublishing.com/CA/ColusaCounty/#/ColusaCounty43.html

The following documents are attached below:
1. SMWC Notice of Intent Letter dated April 14, 2020
2. SMWC Attachment 1: Additional Information
3. SMWC Attachment 2: Baseline Information
4. SMWC Attachment 3: Proposed Operations
5. SMWC Groundwater Level Monitoring Plan
6. SMWC Mitigation Plan
7. Comment Letter received from California Department of Fish and Wildlife
8. Comment Letter received from Colusa Groundwater Authority
9. Comment Letter received from Andrew Wallace
SYCAMORE MUTUAL WATER COMPANY
P.O. BOX 58
COLUSA, CA 95932

April 14, 2020

Colusa Groundwater Authority
100 Sunrise Blvd. – Suite A
Colusa, CA 95932
Attn: Mary Fahey

RE: Sycamore Mutual Water Company – 2020 Water Transfer Permit

Dear Mary,

On behalf of the Sycamore Mutual Water Company’s (SMWC) Water Transfer Committee, we are writing seeking a permit for our proposed groundwater substitution water transfer this summer.

In 2015, SMWC participated in a groundwater substitution transfer with the Tehama-Colusa Canal Authority (TCCA). This year we have been in close contact with Jeff Sutton, General Manager of the TCCA, informing him that we would like to transfer 5,000 ac-ft via groundwater substitution; however, to the extent TCCA does not elect to purchase the water, we plan to transfer the balance to the San Luis – Delta Mendota Water Authority (Authority).

We recognize that water transfers, both through groundwater substitution and out-of-basin, are potentially controversial, so we appreciate your consideration of the following reasoning for our proposed transfer.

**History and Water Rights**
The SMWC is located along the Sacramento River, just south of the City of Colusa. SMWC was created in 2007 to hold and administer the water rights of the historic Davis Home Ranch (est. 1857). SMWC is owned by the various landowners of the 8,400-acre footprint, including Davis Ranches, which remains the largest owner within SMWC. Rice was first cultivated on the Davis Home Ranch in approximately 1919, and it remains the primary crop grown in SMWC today.

SMWC has a right to divert up to 31,800 ac-ft of water from the Sacramento River from April to November in accordance with a Sacramento River Settlement Contract (“Contract”) executed with the United States Bureau of Reclamation (Bureau). Those Contracts settled the various water rights that various properties and districts had to divert water from the Sacramento River that predated the Bureau’s construction of Shasta Dam. The Bureau settled with the various
diverters in 1964 and the Contracts were issued. Water in SMWC’s Contract is divided between Base Supply and Project Water, as defined in the Contract. SMWC annually diverts around 25,000 ac-ft of water from the Sacramento River, of which approximately 1/3 is deemed Project Water under the Contract. Typically, only surface water from the river is utilized in SMWC; over the past 10 years SMWC has diverted more than 200,000 ac-ft of surface water for the SMWC landowners during the growing season, with additional water diverted in the winter under riparian rights. This has obviously resulted in a net benefit to groundwater levels in the basin underlying SMWC’s service area.

**River Water Cost and Reliability**

SMWC’s Base Supply under its Contract is diverted without any charge paid to the Bureau, while the Project Water diversions are subject to various Bureau charges. Over the years, the Project Water has become relatively expensive, especially during the drought, because only the Central Valley Project (CVP) water users that receive water pay the charges. In 2014 and 2015, TCCA as well as the largest Bureau contractors located south of the Delta, including Westlands Water District, had a zero allocation from the CVP, which means a portion of their costs were born by those contractors that did receive water. Because of this factor and other factors, the Bureau cost for Project Water is somewhat unpredictable, and while the typical cost is around $30 per ac-ft, during the drought the cost increased to closer to $100 per ac-ft.

The Bureau charges for Project Water are the largest operational expense of SMWC. In order to maintain the Project Water portion of the Contract, it costs from $250,000 to $400,000, annually, or about a 30% to 40% of SMWC’s annual budget, just for the ability to divert that Project Water.

In addition to the expense, surface water diversions are becoming more uncertain; there have been ongoing lawsuits since the Settlement Contracts were renewed in 2005. If the Contracts were impaired or invalidated as a result of this litigation, SMWC would have to go back utilizing underlying its State water right licenses and Riparian Claims and could lose the ability to divert the Project Water under its Contract.

In addition, the physical management of the Sacramento River flows during a drought can make river water inaccessible to SMWC with its current diversion infrastructure. This is yet another concern for SMWC as it makes long-term plans for operation.

**Groundwater Development**

Several groundwater wells were developed by Davis ranches in the 1960’s as a backup water supply to the surface water system. After the establishment of SMWC, the current Davis Ranches ownership also developed several additional groundwater wells as part of their long-term goals and to ensure compliance with any future groundwater regulation.

Over the past ten years, groundwater has only been used by SMWC in 2015 to offset Project Water which was transferred to TCCA. In that year, around 5,000 acre-feet of groundwater was
pumped, there were no reported adverse effects by the pumping, and the water table fully recovered within one season.
Currently, SMWC’s cost of pumping groundwater is less than the total cost of paying for the Project Water (which includes the lift cost), making Project Water the most expensive water SMWC has available for use.

Operating on a very tight budget, SMWC assesses its landowners in order to cover the cost of maintaining and exercising its surface water rights, maintaining water delivery infrastructure, and ensuring adequate financial resources to address current and future challenges to SMWC’s water rights. Like most similar “rice” districts that pump water from the Sacramento River, SMWC is charging rates which are approaching the maximum that a rice budget has the ability to pay.

Proposal
SMWC submits that it is in everybody’s best interest for SMWC to continue to divert the maximum amount of surface water in most years; however, with the rising cost of maintaining our aging infrastructure, increased costs to protect its water rights, and the pressures that permanent crops bring to the area, SMWC is proposing the groundwater substitution transfer. This type of transfer is beneficial to both SMWC and Colusa County for the following reasons:

1. Generates income to help maintain SMWC’s infrastructure and keeps water more affordable for its water users;
2. Maintains rights and access to both the surface and groundwater for all parties involved;
3. Allows for the groundwater to be pumped at the lowest spot in the basin at a reduced pumping cost (bottom of the Valley);
4. The westside of the Valley, where the groundwater levels continue to drop and more and more pressure is put on the system with the planting of permanent crops, benefits from surface water delivered through the TCCA canal;
5. Application of surface water on the Westside allows for greater possibility of groundwater recharge, since it decreases the heavy demand on groundwater pumping to supply orchards with water;
6. Bolsters a collaborative partnership between water users and commodity groups;
7. Demonstrates/satisfies SGMA’s requirement of sustaining the basin in a balanced state by banking water to recharge the depleted groundwater (reduces subsidence issues).
8. Sets a precedent in the County allowing surface water districts to sell the surface water to others if it is first offered to the TCCA.

SMWC will be working with MBK Engineers to satisfy the technical requirements of the County’s permit approval process including any potential impacts to the aquifer. Assuming we are approved for a permit, MBK will be ensuring we follow the rigorous reporting measures set forth by the Bureau/DWR for all water transfers, including monitoring neighboring groundwater levels and implementing a mitigation plan if we discover any adverse effects during the process. These records will be submitted to the Bureau/DWR in accordance with their requirements for all water transfers.
We appreciate your review and consideration of this proposal.

Sycamore Mutual Water Company

Daniel W. Griffith, Manager

Heidi Vinsonhaler, President

Jake Kalfsbeek, Director

Frank Rogers, Director

Don Traynham, Member

Walt Seaver, Member

Mark Kirsten, Member
We appreciate your review and consideration of this proposal.

Sycamore Mutual Water Company

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Mark Kirsten, Member
Sycamore Mutual Water Company

2020 Water Transfer

Legend

- Proposed Groundwater Production Wells/Monitoring Wells
- DWR Active Groundwater Monitoring Wells
- Sycamore Mutual Water Company Boundary
- Primary Approval Zone (0 - 1 mile from Sacramento River; 0 - 1/2 mile from Colusa Drain)
- Secondary Approval Zone (1 - 2 miles from Sacramento River; 1/2 - 1 mile from Colusa Drain)

Notes:
- Aerial - 2016 NAIP
- Quads - USGS 1:24,000
- Approval Zones - DRAFT Map Groundwater Substitution Well Approval Areas from DWR 03/06/2002

Scale: 1 inch = 3,500 feet
Client: Sycamore Mutual Water Company
Date: April 2020
Drawn By: MB
Requested By: DC

455 University Avenue, Suite 100
Sacramento, CA 95825
Phone: 916-456-4400 Fax: 916-456-0253
www.mbkengineers.com
Attachment – 1 Additional Information

Sycamore Mutual Water Company
Proposed 2020 Water Transfer

Groundwater Substitution Proposal

In accordance with the Draft Technical Information for Preparing Water Transfer Proposals dated December 2019 (Draft Technical Information), prepared by the Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation), the purpose of this attachment is to detail Sycamore Mutual Water Company’s (Company) proposal to participate in a water transfer during 2020 (2020 Water Transfer). Also, in accordance with Article 3(e) of the Company’s Settlement Contract, the Company hereby requests consent from Reclamation for the proposed 2020 Water Transfer to the San Luis and Delta-Mendota Water Authority. The information contained in this attachment supplements the additional information submitted through DWR’s Water Transfer Information Management System (WTIMS). Also, for ease of reference, the information required for the groundwater substitution component of the proposal is consolidated in this attachment to the extent possible. The proposal includes the information readily available in order to initiate the review process by DWR and Reclamation; however, there may be additional information necessary to complete the review, which will be provided upon request or as soon as it becomes available.

Additional Relevant Information

• Relative to groundwater quality, we searched the State Water Resources Control Board’s GeoTracker data management system, which identified six sites within approximately two miles of the six production wells proposed for participation in the 2020 Water Transfer. Three of the sites are identified as closed or inactive and the status of the remaining three sites is summarized below:
  o One site is identified as “Open – Referred as of 1/7/2009”. There is no information available that specifies a site history, potential contaminants, or cleanup actions for this site. This site is located 1.32 miles to the northwest of Well #15, no further action is required at this time.
  o One site is identified as “Open as of 1/1/1965”. There is no information available for this site that specifies site history, potential contaminants, or cleanup actions. This site is located 1.65 miles to the northwest of Well #15, no further action is required at this time.
  o One is identified as “Open – Site Assessment as of 10/22/2018”. The information contained in GeoTracker identifies that prior to 1973 a crop duster operated at this site and crop duster debris were discharge and buried in a nearby ditch. Nitrate and other insecticides, pesticides, fumigants, and herbicides are identifies and the potential contaminants of concern. The site is located 1.97 miles to the northwest of Well #15. At this time no cleanup actions exist for this site, no further action is required.
Based on the information obtained from GeoTracker, we believe no further action is necessary by RGF relative to potential groundwater quality concerns.

- The Natural Communities Commonly Associated with Groundwater (NCCAG) database was used to identify vegetation commonly associated with groundwater use. The NCCAG was developed by a working group comprised of DWR, the California Department of Fish and Wildlife (CDFW), and The Nature Conservancy (TNC), which reviewed publicly available datasets of mapped seeps, springs, vegetation and wetlands, and conducted a screening process to exclude types less likely to be associated with groundwater and retain types commonly associated with groundwater. This dataset identifies multiple areas within one half mile of the production wells proposed for participation in the 2020 Water Transfer; however, all of these areas are within or adjacent to natural waterways, irrigation ditches, and/or irrigated fields. Therefore, it is unlikely that the 2020 Water Transfer will negatively impact these areas.

- Based on discussions with DWR, it is preferred to select either “Banks” or “Jones” in WTIMS on the General Information Tab under Facilities Requested. The use of these facilities will be dependent upon capacity. At this time, it is the Company’s understanding that Banks will likely be utilized for this transfer. Therefore, in WTIMS, the Company has identified “Banks” as the facility requested.
Attachment 2 – Baseline Information

Sycamore Mutual Water Company
Proposed 2020 Water Transfer

Groundwater Substitution Proposal

Baseline Information / Historical Operations

- The Company proposes to operate up to five groundwater wells, Well 2a, Well 2b, Well 11, Well 14 and Well 15, for participation in the 2020 Water Transfer, in lieu of diverting surface water from the Sacramento River. These wells are first time participants in a water transfer for the Company.

- There was no baseline groundwater pumping at the proposed wells during June through September of three previous non-transfer years, 2017, 2018 and 2019, based on the Company’s records of measurements at flow meters for these wells. Therefore, based upon the 3-year average baseline approach for non-transfer years discussed with DWR staff, the Company’s baseline pumping requirement for the proposed 2020 Water Transfer is 0 AF during June, 0 AF during July, 0 AF during August, and 0 AF during September.
Proposed Transfer Operations

- The Company proposes the transfer period include June 1, 2020 through September 30, 2020.

- The Company proposes to pump up to approximately 5,000 AF of groundwater in lieu of diverting surface water during the transfer period. The quantity of surface water made by the Company’s groundwater substitution program for the proposed 2020 Water Transfer is up to a total of 4,350 AF after accounting for depletion losses of 13%.

- The groundwater wells proposed for participation in the 2020 Water Transfer will be operated to pump groundwater into the Company’s conveyance system for irrigation deliveries to fields.
Attachment
Sycamore Mutual Water Company
Proposed 2020 Water Transfer
Groundwater Level Monitoring Program

In accordance with the Draft Technical Information for Preparing Water Transfer Proposals dated December 2019 (Draft Technical Information), prepared by the Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation), the purpose of this attachment is to detail Sycamore Mutual Water Company’s (Company) Groundwater Level Monitoring Program (Program) for the proposed 2020 Water Transfer. The information contained in this attachment supplements the additional information submitted through DWR’s Water Transfer Information Management System (WTIMS). The objective of the Program is to avoid significant adverse environmental effects and ensure prompt corrective action in the event unanticipated effects occur. The Program accomplishes this by monitoring groundwater levels during the transfer to avoid potential effects. The Program, identified below, will be implemented together with the Company’s Groundwater Mitigation Plan, which specifies the process to address reports of purported third-party impacts.

The Company will implement groundwater level monitoring consistent with the Draft Technical Information, as identified in other attachments submitted for the Company’s proposed 2020 Water Transfer. Throughout the monitoring period for the 2020 Water Transfer, the Company will compare the groundwater level measurements obtained at its five participating production groundwater wells and suitable nearby monitoring wells with the historic low groundwater levels for those wells. Based on a review of all available groundwater level data for the wells listed in the table below, the historic low groundwater levels (measured as feet below ground surface) are shown in the table.

<table>
<thead>
<tr>
<th>Production Well &amp; Suitable Monitoring Well(s)</th>
<th>Historic Low Groundwater Level (ft below ground surface)</th>
<th>Measurement Date of Historic Low Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well #2a</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>15N01W23P002M</td>
<td>15.6</td>
<td>10/26/1977</td>
</tr>
<tr>
<td>Well #2b</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>15N01W23P002M</td>
<td>15.6</td>
<td>10/26/1977</td>
</tr>
<tr>
<td>Well #11</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>15N01W23P002M</td>
<td>15.6</td>
<td>10/26/1977</td>
</tr>
<tr>
<td>Well #14</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>15N01W05G001M</td>
<td>24.5</td>
<td>8/4/2014</td>
</tr>
<tr>
<td>Production Well &amp; Suitable Monitoring Well(s)</td>
<td>Historic Low Groundwater Level (ft below ground surface)</td>
<td>Measurement Date of Historic Low Level</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>---------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Well #15</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>15N01W05G001M</td>
<td>24.5</td>
<td>8/4/2014</td>
</tr>
<tr>
<td>Well #17</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>15N02W13H001M</td>
<td>6.1</td>
<td>10/28/1959</td>
</tr>
</tbody>
</table>

There is limited recent data available at nearby groundwater wells for the proposed 2020 water transfer the Company. The Company has attempted to identify suitable monitoring wells for each production well participating in the transfer, however, based on available information the identification of suitable monitoring wells is limited at this time. A review of historic groundwater levels at surrounding monitoring wells show seasonal variation but generally remain stable over time. Based on a review of the available groundwater level data, groundwater substitution pumping by The Company for the 2020 Water Transfer is not considered to pose a significant potential risk. Once historic low groundwater levels are established, in the event that measured groundwater levels fall below the historic low level at participating production well or its suitable monitoring wells, the Company will cease pumping at the production well until such time that groundwater levels recover above the historic low level.
Attachment

Sycamore Mutual Water Company
Proposed 2020 Water Transfer

Groundwater Substitution Mitigation Plan

The purpose of this Groundwater Mitigation Plan (Third-Party Impacts Action Plan) is to describe actions that will be undertaken by Sycamore Mutual Water Company (Company) to respond to any significant adverse impacts to Third Parties that occur due to groundwater pumping for the Company’s proposed 2020 Water Transfer at participating groundwater wells. Third Parties may include local groundwater users that could be affected by changes in groundwater levels or quality because of groundwater pumping performed for the 2020 Water Transfer. The Company agrees that prompt responses to and mitigation of any significant adverse impacts to Third Parties are an important requirement for the 2020 Water Transfer and any similar transfers that may occur in the future.

This action plan includes a series of steps that will be taken to address any adverse impacts that groundwater pumping performed for the 2020 Water Transfer may cause (unmitigated impacts to Third Parties). Under this action plan, groundwater pumping must not produce significant unmitigated impacts on Third Parties, impacts must be identified and mitigated within a timely manner, and there must be ongoing, open communications with the potentially affected Third Parties. Because not all potential impacts can be known in advance, this plan provides a process for responding to concerns expressed by local groundwater users who reasonably determine that their water production facilities are being or will be impacted by increased groundwater pumping as a result of this water transfer. In the case that the measured groundwater level falls below the historic low level at a participating production well or its associated monitoring wells, the Company will cease pumping at the production well until such time that groundwater levels recover above the historic low level.

The Company will identify a contact person or persons who will be responsible for initially responding to a notification of a potential Third Party impact, and take the other action specified in this section. Upon the Company receiving notification of a potential Third Party impact, the Company will contact the Third Party within two (2) business days and obtain all available information regarding the nature and extent of the potential impact, and provide that information to the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation) within five (5) business days. The Company will regularly update DWR and Reclamation on the status of Third Party impact concerns.

After the Third Party has been contacted and the relevant information regarding the potential impact has been received, the Company will develop an approach to: (a) determine whether the Third Party has actually been impacted by groundwater pumping performed for the 2020 Water Transfer, and, if so; (b) mitigate for the impact. The Company will coordinate with DWR and Reclamation to strive in developing the foregoing approach, documented in a report, within ten (10) business days of contacting the Third Party.
The Company will promptly mitigate any Third Party impacts that are reasonably likely to have been caused by groundwater pumping under the 2020 Water Transfer. The Company will be responsible for the implementation of mitigation actions. Due to the limitation of the Company's groundwater monitoring well network, if a Third Party claim is reasonably likely to have been caused by groundwater pumping for the 2020 Water Transfer, the Company may have to immediately implement actions including the discontinuation of groundwater pumping for an indefinite period of time (during the transfer period) at one or more transfer wells listed above, until the claim can be validated or mitigated by the Company. Actions that may be taken to mitigate an impact include, but are not limited to: reduction in hours of groundwater pumping per day at one or more wells listed above, cessation of groundwater pumping at one or more groundwater wells listed above, or other reasonable measures determined to be appropriate by the Company. Mitigation actions will be developed through consultation with the claimant, DWR, and Reclamation, and will be approved by the Company. A copy of the mitigation actions will be submitted to DWR and Reclamation. The Company will strive to develop the agreed upon mitigation actions within ten (10) business days of meeting with the claimant. The mitigation actions will be implemented and the results of the mitigation will be monitored and documented by the Company. In the case that an impact is determined to have occurred, the Company is committed to avoiding or mitigating such impacts during a future water transfer.

If there are any Third Party impacts that are not reasonably likely to have been caused by increased groundwater pumping from the wells listed above, then the Company will provide the Third Party, DWR, and Reclamation with information to reasonably demonstrate the reasons that there were no impacts.
(Comment Letter Received via email 5/27/2020)
Dear Ms. Fahey:

Subject: Comments on Sycamore Mutual Water Company 2020 Water Transfer Permit Request

The California Department of Fish and Wildlife (Department) received and reviewed the County of Colusa’s Notice of Public Comment Period for an out-of-county groundwater substitution water transfer (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat.

DEPARTMENT ROLE

The Department is California’s Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) It is the mission and responsibility of the Department to manage viable populations of fish and wildlife resources throughout the State. Watershed and aquifer protection and adequate instream flows are focal points of the Department’s efforts to manage native populations of fish and wildlife. Accordingly, the Department has an interest in carefully managed groundwater substitution water transfers and their potential impacts on aquifers and instream flows.

PROJECT DESCRIPTION SUMMARY

Sycamore Mutual Water Company (SMWC) has requested a water transfer permit to transfer a maximum of 5,000 acre feet of water out of Colusa County to San Luis Delta-Mendota Water Authority via groundwater substitution. SMWC is party to the Sacramento River Settlement Contract and is included in the list of potential sellers identified in the US Bureau of Reclamation (USBR) 2019 Long-Term Water Transfers Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) with a July through September groundwater substitution transfer upper limit of 7,500 acre feet.

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist Colusa County, Colusa Groundwater Authority, and SMWC in adequately identifying and, where appropriate, mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife resources. The Department is primarily concerned with the Project’s potential impacts to listed and other special-status species and their habitats, including groundwater dependent ecosystems. The comments provided herein are based on the information provided in the EIS/EIR and Department knowledge of species and habitats that may be affected by the Project.

The Department is concerned with potential cumulative impacts associated with proposed and future groundwater substitution water transfers within or adjacent to the Colusa Subbasin and Butte Subbasin that have the potential to impact instream, riparian, and groundwater dependent ecosystems. The EIS/EIR analyzes the proposed Project’s environmental impacts associated with groundwater substitution and identifies mitigation measures in Appendix V Mitigation Monitoring and Reporting Plan. Mitigation measure WS-1 specifies the imposition of a minimum streamflow depletion factor of 13% to mitigate potential water supply impacts from additional groundwater pumping due to groundwater substitution transfers. Mitigation measure GW-1 is a multifaceted measure designed to monitor and avoid potential groundwater elevation decline impacts to beneficial users of groundwater. According to GW-1, USBR is to verify that sellers implement appropriate monitoring and mitigation to avoid significant impacts, including impacts to deep rooted vegetation. The Department acknowledges that mitigation measures WS-1 and GW-1 are important to understanding and mitigating impacts to instream, riparian, and groundwater dependent habitats.
Further, the Sustainable Groundwater Management Act (SGMA) requiresGroundwater SustainabilityAgencies (GSAs), including Colusa Groundwater Authority, to develop and implement Groundwater Sustainability Plans (GSPs) that will ensure long term groundwater sustainability in the state’s medium and high priority groundwater basins, including the Sacramento Valley – Colusa Subbasin and Butte Subbasin (subbasin numbers: 5-021.52, 5-21.70 respectively).

Ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface are collectively known as groundwater dependent ecosystems (GDEs) (23 Cal. Code Regs. § 351(m)). These GDEs include seeps and springs; wetlands and lakes; rivers, streams, and estuaries; and terrestrial vegetation. Water transfers made available by groundwater substitution have the potential to affect groundwater hydrology due to increased groundwater extraction and reduced groundwater recharge. Correlating effects could be temporary and/or long-term declines in groundwater levels, reduction of groundwater storage, depletions of interconnected surface water, land subsidence, and degraded water quality. These effects have the potential to adversely impact GDEs in basins where water transfers are made available by groundwater substitution.

According to the Natural Communities Commonly Associated with Groundwater Dataset (DWR 2018), there are potential vegetated and aquatic GDEs overlying or adjacent to the Project’s groundwater extraction geographic scope. SGMA requires GSAs to identify and consider impacts to beneficial uses and users of groundwater, including GDEs, during the development and implementation of GSPs (23 Cal. Code Regs. § 354.16 (g) and Water Code § 10727.4(l)). Therefore, Department staff believe it is essential for Colusa Groundwater Authority to ensure water transfer activities are considered and accounted for in the development of the Colusa and Butte Subbasin GSPs to avoid long-term undesirable results to beneficial uses and users of groundwater.

Based on mitigation and monitoring required by the EIS/EIR, SMWC has the opportunity to provide information on how water transfer activities in the basin may impact GDEs and interconnected surface waters, thereby supporting the development of sustainability goals, minimum thresholds, and measurable objectives within the Colusa and Butte Subbasin GSPs. Effective, comprehensive monitoring will help understand both hydrologic patterns and corresponding habitat/GDE trends to inform both project operations and GSP development. Accordingly, SMWC water transfer-related groundwater monitoring should be accompanied by potential groundwater dependent ecosystem habitat monitoring and designed and deployed to capture seasonal and operational variability and follow accepted technical procedures and best practices established by the USGS (Cunningham 2011) and DWR (DWR 2016) respectively. Monitoring plans and data should be made publicly accessible.

**Threatened, Endangered, Candidate Species**

Substantial changes to groundwater volume or quality have the potential to impact Threatened, Endangered, or Candidate Species. If water changes are determined to impact state listed species and are likely to result in “take”, as defined in the Fish & G. Code, section 86, an Incidental Take Permit (ITP)(Fish & G. Code, § 2081) may be obtained.

**Lake and Streambed Alteration**

Pursuant to Fish & G. Code, § 1600 et seq., notification to CDFW is required if a project proposes activities that may substantially divert or obstruct the natural flow of water; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. CDFW encourages Project proponents to notify as early as possible to ensure adequate time to process future permits.

**ENVIRONMENTAL DATA**

The Department requests that information gathered via EIS/EIR mitigation and monitoring measures (e.g., vegetation assessments where relevant) be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. Accordingly, please report
any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

CONCLUSION

The Department appreciates the opportunity to comment on the proposed groundwater substitution transfer to assist in identifying and mitigating Project impacts on biological resources. Department personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Zachary Kearns, Environmental Scientist at (916) 358-1134 or Zachary.kearns@wildlife.ca.gov.

Sincerely,

Zachary Kearns
Environmental Scientist
California Department of Fish and Wildlife

e:

Briana Seapy, briana.seapy@wildlife.ca.gov
Billie Wilson, billie.wilson@wildlife.ca.gov
Lillian McDougall, lillian.mcDougall@wildlife.ca.gov

Department of Fish and Wildlife

Anna Fock, anna.fock@water.ca.gov

Department of Water Resources

REFERENCES


Department of Water Resources. 2018. Natural Communities Commonly Associated with Groundwater Dataset.
Colusa Groundwater Authority
Groundwater Sustainability Agency

100 Sunrise Blvd., Suite A | Colusa, CA 95932 | 530.458.7709 | colusagroundwater.org

May 28, 2020

Colusa County Groundwater Commission
C/O Mary Fahey
100 Sunrise Blvd., Suite A
Colusa, CA 95932

Re: Proposed Out-of-County Groundwater Substitution Water Transfer

Colusa County Groundwater Commissioners;

Thank you for the opportunity to comment on the proposal from Sycamore Mutual Water Company (SMWC) to transfer up to 5,000 acre-feet of water to San-Luis and Delta Mendota Water Authority through a groundwater substitution program.

The Colusa Groundwater Authority (CGA) is the Groundwater Sustainability Agency responsible for implementing the Sustainable Groundwater Management Act (SGMA) in the Colusa County portion of the Colusa Subbasin. The CGA is in the early stages of developing a Groundwater Sustainability Plan (GSP) for the Colusa Subbasin, in coordination with the Glenn Groundwater Authority. The GSP will be completed and submitted to the California Department of Water Resources by January 31, 2022. The GSP will include, among other elements, detailed water budgets, a monitoring plan, and determination of Minimum Thresholds and Measureable Objectives for the Sustainability Indicators identified in SGMA:

1. Groundwater Levels;
2. Groundwater in Storage;
3. Groundwater Quality;
4. Land Subsidence;
5. Interconnected Surface Water;
6. Seawater Intrusion (not applicable in the basin)

The Board of Directors of the Colusa Groundwater Authority recognizes the environmental stewardship efforts and groundwater recharge projects that SMWC members like Davis Ranches have completed in recent years and we anticipate integrating such projects into the GSP as it is developed. However, the GSP is still in the developmental phase and the CGA does not believe there is currently sufficient data or information established to support the proposed transfer.
Thank you for your consideration of our comments.

Sincerely,

[Signature]

Denise J. Carter
Chair, Colusa Groundwater Authority
Hello Mary,

My name is Andrew Wallace. My brother Justin and I farm row crops in the Grimes-Arbuckle area. Our operation is almost entirely dependent on groundwater, as are a lot of family farms in our area.

We understand Davis Ranches seeks permission to conduct an inter-county transfer of surface water. We’d like to voice opposition to granting this permission.

The 2020 crop year finds 107 degree weather in May, in a Shasta Critical water-supply environment, at a time when our aquifer hasn’t recovered from the last drought.

Granting this transfer nets less water, less production and less opportunity for the people of Colusa County in an economic environment that is, at best, uncertain.

Regards,

Andrew Wallace
Partner, JAW GP

Sent from my iPhone
Agenda Item 2a.ii
Consider Resolution 2020-01: A Resolution of the Colusa County Groundwater Commission approving an out-of-county Groundwater Substitution Water Transfer Permit and Agreement from the Sycamore Mutual Water Company

Based on the discussion under Agenda Item 2a.i, the Commission shall consider whether to issue a permit to Sycamore Mutual Water Company for their proposed groundwater substitution water transfer to San Luis and Delta-Mendota Water Authority outside of Colusa County, per Resolution 2020-01 and pending a signed Agreement with SMWC.

ATTACHMENTS:
1. Resolution 2020-01
2. Transfer Permit and Agreement
RESOLUTION NO. 2020-01

A RESOLUTION OF THE COLUSA COUNTY GROUNDWATER COMMISSION APPROVING AN OUT-OF-COUNTY GROUNDWATER SUBSTITUTION WATER TRANSFER PERMIT AND AGREEMENT FROM THE SYCAMORE MUTUAL WATER COMPANY

WHEREAS, Section 43-2(g) of the County Code specifies that “Groundwater Transfer” means the direct pumping and transfer of groundwater from an existing place of use to another place of use, or the substitution of new or additional groundwater pumping to replace surface water transferred from an existing place of use to another place of use;

WHEREAS, Section 43-4 of Colusa County Code specifies that it shall be unlawful to extract groundwater underlying lands in Colusa for any “Groundwater Transfer” use outside county boundaries, without first obtaining a permit as provided for in Chapter 43 of the County Code;

WHEREAS, Sycamore Mutual Water Company in Colusa County has requested a “Groundwater Transfer” permit to transfer a maximum of 5,000 acre feet of water through a groundwater substitution water transfer to San Luis and Delta-Mendota Water Authority, outside of the county;

WHEREAS, Section 43-7 et seq. of the Colusa County Code details the steps by which a “Groundwater Transfer” permit shall be processed;

WHEREAS, Pursuant to Section 43-7 et seq. of the Colusa County Code the Water Resources Division staff acting on behalf of the Colusa County Groundwater Commission has processed the application for the Sycamore Mutual Water Company’s “Groundwater Transfer” permit;

WHEREAS, The Water Resources Division staff has duly noticed the public hearing for the Sycamore Mutual Water Company’s “Groundwater Transfer” permit for June 3, 2020; and

WHEREAS, During the public hearing the Colusa County Groundwater Commission received, reviewed, and considered: (1) the Water Resources Division staff report and recommendation; (2) all public and agency written and oral comments and testimony; and (3) documents provided by the Sycamore Mutual Water Company including the Notice of Intent, its Transfer Plan, the EIR, and the Mitigation and Monitoring Plan.
NOW, THEREFORE, BE IT RESOLVED that the Colusa County Groundwater Commission hereby finds and determines the following:

1. The Water Resources Division staff acting on behalf of the Groundwater Commission has processed the Groundwater Transfer permit pursuant to the provisions of Chapter 43 (Groundwater Management) of the County Code; and

2. The Groundwater Commission has reviewed and considered the Final Environmental Impact Statement/Environmental Impact Report entitled, “Long-Term Water Transfers Environmental Impact Report/Environmental Impact Statement” prepared by the United States Department of the Interior, Bureau of Reclamation, Mid-Pacific Region for the San Luis & Delta-Mendota Water Authority dated September, 2019 and has determined that the said environmental document addresses the environmental consequences of the proposed project.

3. Based on the totality of the record before it, the Groundwater Commission finds, subject to compliance with all conditions identified in the Groundwater Transfer permit and agreement, that:

   a. The proposed extraction will not cause or increase any undesirable effects in the groundwater basins underlying the county;

   b. The proposed extraction will not adversely affect the long-term storage capacity or transmissivity of the groundwater basins underlying the county;

   c. The proposed extraction will not cause the groundwater basins underlying the county to exceed their sustainable yield and will not otherwise injure or unreasonably impact other beneficial uses of the groundwater within the county;

   d. The proposed extraction will not result in an injury or adverse impact to a water replenishment, storage, or restoration project currently operating in accordance with statutory authorization;

   e. The proposed extraction is in compliance with Water Code Section 1220;

   f. The proposed extraction will not be otherwise detrimental to the health, safety and welfare of the county or property owners overlying groundwater basins within the county in the vicinity of the proposed extraction site(s); and

   g. The proposed extraction will not cause adverse impacts to water quality conditions in the groundwater basins underlying the county, or result in compactions, subsidence or other undesirable results in the groundwater.
basins underlying the county.


PASSED AND APPROVED by the Colusa County Groundwater Commission, State of California, this 3rd day of June 2020, by the following vote:

AYES:

NOES:

ABSENT:

__________________________________________
Darrin Williams, Chair
Colusa County Groundwater Commission

ATTEST:

___________________________________
Mary M. Fahey, Secretary
Clerk to the Colusa County Groundwater Commission
This Groundwater Transfer Permit ("Permit") and Out-of-County Groundwater Transfer Agreement ("Agreement") is between the County of Colusa Groundwater Commission ("Commission") and Sycamore Mutual Water Company, Inc., a California corporation ("Sycamore").

1. Sycamore agrees to comply with each and every term of this Permit and Agreement in exchange for the ability to transfer up to a maximum of 5,000 acre-feet of water to the Tehama-Colusa Canal Authority and/or the San Luis and Delta-Mendota Water Authority. This Permit and Agreement shall not become effective until signed by an authorized representative of Sycamore.

2. Any non-compliance or violation of any term of this Permit and Agreement as determined by the Commission shall be grounds for immediate termination of this Permit and Agreement. The County at its sole discretion may elect to proceed with any or all of the following remedies for violation of this chapter: (a) A civil action against the violator, including injunctive relief; (b) A civil fine of up to five thousand dollars for each separate violation of any term or condition of any groundwater transfer permit issued pursuant to this chapter. A person or entity shall be deemed to have committed a separate violation for each and every day or portion thereof during which any such violation is committed, continued, or permitted as well as for each and every separate groundwater well within which any such violation is committed, continued or permitted; and (c) A misdemeanor punishable by a fine not exceeding one thousand dollars per each violation of this chapter or any term or condition of any groundwater transfer permit issued pursuant to this chapter, or by imprisonment not exceeding six months for each violation, or both. Each and every day shall be a separate violation.

3. For the purposes of the Mitigation and Monitoring Reporting Program, Appendix "V", of the Environmental Impact Statement/Environmental Impact Report entitled, “Long-Term Water Transfers Environmental Impact Report/Environmental Impact Statement” prepared by the United States Department of the Interior, Bureau of Reclamation, Mid-Pacific Region for the San Luis & Delta-Mendota Water Authority dated September, 2019, Sycamore shall be considered a “Participating Seller” and shall comply with all “Participating Seller” mitigation measure requirements. Said Mitigation and Monitoring Reporting Program is attached as Exhibit “A” hereto.
4. A copy of the Final Transfer Proposal shall be submitted to the Commission prior to transfer commencing.

5. A copy of all reports required by the Mitigation and Monitoring Reporting Program, Exhibit "A", and any other report required by a State or Federal approving agency shall be submitted concurrently to the Commission.

6. A copy of all monitoring data associated with the transfer, including data from before, during and after the groundwater transfer, including all available groundwater elevation data shall be submitted to the Commission within thirty (30) days of data development.

7. A copy of the final transfer report shall be submitted to the Commission within thirty (30) days of the preparation of the report.

8. Transfer water will be used exclusively for agricultural purposes.

Sycamore Mutual Water Company

__________________________________________ Date:______________________________
Signature

__________________________________________
Printed Name and Title
Overview
The following legislative tracker provides the status of legislation introduced in the 116th Congress pertaining to water issues. Each of the bill numbers is hyperlinked to the bill text, FiscalNote (FN) Outlook information and other related details.

The FN Outlook on the right side of each bill provides the legislation's pre-Floor (left) and Floor (right) likelihood of passing. The percentages shown are the status of the bill in the Chamber where it is currently under consideration (this is shown under 'Status'). The pre-Floor score is defined as the bill's likelihood of passing after it has been introduced but while it is being considered in that chamber's committees - before it has moved to the Floor for a vote.

Priority: High

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Title
Flood Insurance for Farmers Act of 2019

Primary Sponsors
John Garamendi

Bill Summary: This bill would provide farmers access to discounted rates under the National Flood Insurance Program. The legislation would also lift the de facto federal prohibition on construction and repair of agricultural structures in high flood-risk areas designated by the Federal Emergency Management Agency. The Flood Insurance for Farmers Act of 2019 will provide farmers with a discounted rate under the National Flood Insurance Program. Additionally, the ban on farmers constructing or repairing structures in high flood-risk areas would be lifted. Under this legislation, FEMA would be required to develop a new flood mapping zones for basins in the Sacramento Valley and other locations protected by levees that do not currently meet the federal 100-year level of flood protection. These new flood zones would be based on actuarial risk and not be mandated to be at 100-year levels.

Introduction Date: 2019-01-29
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**Title**
Water Recycling Investment and Improvement Act

**Primary Sponsors**
Grace Napolitano

**Bill Summary:** The bill aims to assist water agencies with the expansion, planning, design, and building of water recycling plants and modernizing water infrastructure in California and other western states. Specifically, the bill would increase funding authorization for the Bureau of Reclamation’s Title XVI water recycling competitive grant program to $500 million from $50 million. It would also make the program permanent as it currently expires in 2021, and funds water recycling and reuse projects for 17 western states.

**Introduction Date:** 2019-02-13

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**Title**
Drinking Water Infrastructure for Job Creation Act

**Primary Sponsors**
Maxine Waters

**Bill Summary:** This bill would make supplemental appropriations for FY 2019 for the Drinking Water State Revolving Funds, and for other purposes. The Drinking Water Infrastructure for Job Creation Act will provide emergency supplemental appropriations of $7.5 billion over the next six years. These funds will be used for job creation and to address the nation's drinking water infrastructure. The funds provided from this bill will be appropriated to the Drinking Water State Revolving Funds and will assist public water systems finance infrastructure projects. The funding provided by this bill is designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The emergency funding is exempt from discretionary spending limits and is only available if the President subsequently designates the amounts as an emergency and submits the designation to Congress. The bill also exempts the funding from sequestration. (Sequestration is a process of automatic, usually across-the-board spending reductions under which budgetary resources are permanently cancelled to enforce specific budget policy goals.)

**Introduction Date:** 2019-02-28
Title
Water Quality Protection and Job Creation Act of 2019

Primary Sponsors
Peter DeFazio

Bill Summary: The bill would renew the Federal commitment to addressing local water quality challenges by providing an infusion of Federal assistance for the construction, repair, and replacement of the Nation’s network of wastewater and stormwater conveyance and treatment facilities. The Water Quality Protection and Job Creation Act of 2019 will address America’s crumbling wastewater infrastructure and local water quality challenges. This bill authorizes $23.5 billion to improve wastewater infrastructure. This bill also will provide funds for agencies to meet Clean Water Act standards by constructing stormwater systems. The funding provided in the bill will be used in direct infrastructure investment over the next five years. Funds will be given to projects that address America’s crumbling wastewater infrastructure and improve local water quality challenges. The Water Quality Protection and Job Creation Act also increase the amount of federal assistance made available to states and communities through the Clean Water State Revolving Fund program.

Introduction Date: 2019-03-05

Title
Water Supply Permitting Coordination Act

Primary Sponsors
Tom McClintock

Bill Summary: This bill would authorize the Secretary of the Interior to coordinate federal and state permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes. This bill would establish a framework in which federal agencies with permitting responsibilities for the construction of new surface water storage projects must work together, coordinate their schedules, share data and technical materials, and make their findings publicly available.

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**Title**
Clean Water Infrastructure Resilience and Sustainability Act

**Primary Sponsors**
Salud Carbajal

**Bill Summary:** This bill establishes an EPA grant program for communities to improve the resiliency and adaptability of their water-related infrastructure. Competitive grants will spur projects which conserve water or increase efficiency in its use, preserve or improve water quality, rebuild or relocate threatened infrastructure, protect source waters and ecosystems, and implement advanced treatment technologies such as water reuse and recycling.

**Introduction Date:** 2019-05-02

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**Title**
Securing Access for the central Valley and Enhancing (SAVE) Water Resources Act

**Primary Sponsors**
Josh Harder

**Bill Summary:** This is the companion bill to H.R. 116, the Water Recycling Investment and Improvement Act. The bill provides a broad approach to addressing water issues facing the Central Valley by increasing storage opportunities, spurring innovation, and making investments in our aging infrastructure. The bill also leverages federal resources to identify prime locations for groundwater storage and recharge in California and across the Western United States. This bill requires the Bureau of Reclamation to expedite feasibility studies for four specific storage projects in the Central Valley, including: Sites Reservoir, Del Puerto Canyon Reservoir, Los Vaqueros and San Luis Reservoirs and provides $100 million in storage funding. The bill also invests in water reuse and recycling by increasing funding for WaterSMART programs from $50 million to $500 million and extending the program’s authorization. It also establishes a a water infrastructure and drought resolutions fund to provide $300 million for water surface and groundwater storage, reclamation and reuse, and WaterSMART program projects. The bill would create a innovating financing program which would provide low-interest federal loans to fund local water infrastructure projects, and would reauthorize the Rural Water Supply Act.

**Introduction Date:** 2019-05-02

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**Title**
Aquifer Recharge Flexibility Act

**Primary Sponsors**
Russ Fulcher

**Bill Summary:** This is the companion bill to S. 1570.

**Introduction Date:** 2019-05-21
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**Title**
- Water Supply Infrastructure Rehabilitation and Utilization Act
- Western Water Security Act of 2019
- WOW Act
- Move Water Now Act

**Primary Sponsors**
- Dan Newhouse
- Xochitl Torres Small
- Tom McClintock
- TJ Cox

**Bill Summary:**
- The bill will address the Bureau of Reclamation’s maintenance backlog by streamlining the process for local water operators, strengthen the “Safety of Dams” program to improve the structural integrity of Bureau of Reclamation dams across the U.S., and provide flexibility in reservoir storage for flood control during low risk times of the year.
- The bill would give an additional $120 million to the Bureau of Reclamation's WaterSMART program; authorize an additional $65 million to support desalination design and construction, setting aside $15 million for rural desalination projects; and authorizes the Cooperative Watershed Management Program.
- The bill streamlines water districts’ contact renewals, expedites water transfers and gives the Secretary of the Interior discretion to modify dam operations in the Central Valley Project to provide reasonable water flows of suitable quality, quantity, and timing to protect migrating fish.
- This legislation aims to address the severely limited capacity of the Friant-Kern Canal in California's San Joaquin Valley, issues caused by severe land subsidence over the past 7 decades.

**Introduction Date:**
- 2019-10-11
- 2019-10-28
- 2019-11-21
- 2019-12-05
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Last Action</th>
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<tr>
<td>HR 6617</td>
<td>Referred To The Subcommittee On Water Oceans And Wildlife 2020 04 29</td>
<td>In House</td>
<td>High</td>
<td>9.2% 80.9%</td>
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<td>S 1570</td>
<td>Placed On Senate Legislative Calendar Under General Orders Calendar No 276 2019 10 29</td>
<td>In Senate</td>
<td>High</td>
<td>30.4% 80.1%</td>
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</table>

**Western Water Storage Infrastructure Act**

**Bill Summary:** This bill would provide additional funding for surface storage, groundwater storage, and the supporting conveyance facilities.

**Introduction Date:** 2020-04-24

**Primary Sponsors**

Tj Cox

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**Aquifer Recharge Flexibility Act**

**Bill Summary:** The legislation aims to improve aquifer levels in Idaho and across western states by expanding the ability for aquifer recharge through federal lands and facilities. The bill will fortify efforts to recharge Idaho’s vast Eastern Snake Plain Aquifer to healthy levels for sustainable long-term use by the state’s farmers, ranchers, and communities. This bill would let the commissioner of the Bureau of Reclamation allow the use of excess capacity in Bureau conveyance facilities for carriage of non-Reclamation project water for aquifer recharge. Some restrictions would still apply in the bill, such as that water or power service contracts for bureau projects and existing obligations to fish, wildlife or water quality protection aren’t affected.

**Introduction Date:** 2019-05-21

**Primary Sponsors**

Jim Risch
<table>
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<tr>
<th>Bill Number</th>
<th>Last Action</th>
<th>Status</th>
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<tr>
<td>S 1932</td>
<td>Committee On Energy And Natural Resources Senate Subcommittee On Water And Power Hearings Held 2019 07 18</td>
<td>In Senate</td>
<td>High</td>
<td>3.4% 85.5%</td>
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</table>

**Title**
Drought Resiliency and Water Supply Infrastructure Act

**Primary Sponsors**
Cory Gardner

**Bill Summary:** This bill would support water infrastructure in the nation's Reclamation states, as well as extend federal funding an additional five years, including $670 million in surface and groundwater storage projects; $100 million for water recycling projects; and $60 million for desalination projects. The bill would also establish a new loan program for water agencies designed to spur investment in new water supply projects. Key provisions include but are not limited to expanding and updating the Bureau of Reclamation funding authorizations in the Water Infrastructure Improvements for the Nation Act (WIIN) to fund portions of federal (50%) and non-federal (25%) surface and groundwater storage and conveyance facilities, as well as cost share (25%) additional water reuse and recycling and desalination projects; and creating a new loan program at 30-year Treasury rates for water supply projects under what would be established under the Reclamation Infrastructure Financing and Innovation Act (RIFIA). These loans would use criteria (49% maximum loan) modeled after the well-established Water Infrastructure Financing Innovation Act (WIFIA) program at the Environmental Protection Agency (EPA). The legislation would also authorize $140 million for restoration and environmental compliance projects, including forest, meadow and watershed restoration projects with water benefits and projects to help restore threatened and endangered species affected by Reclamation water projects.

**Introduction Date:** 2019-06-20

<table>
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<tr>
<th>Bill Number</th>
<th>Last Action</th>
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<td>S 2044</td>
<td>Committee On Energy And Natural Resources Reported By Senator Murkowski With An Amendment In The Nature Of A Substitute With Written Report No 116 156 2019 10 29</td>
<td>In Senate</td>
<td>High</td>
<td>4.0% 81.0%</td>
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</table>

**Title**
Water Supply Infrastructure Rehabilitation and Utilization Act

**Primary Sponsors**
Martha McSally

**Bill Summary:** This bill would amend the Omnibus Public Land Management Act of 2009 to establish an Aging Infrastructure Account. Specifically, this bill could provide Congress with the unfunded need for these improvements in a timely manner through a streamlined process, allowing Congress to provide Reclamation these additional funds "upfront" to initiate extraordinary maintenance projects on federal facilities, with extended repayment for the non-federal operating entities through a clearly defined application and review process already in law. The bill would also raise the Reclamation Safety of Dams program authorization by $550 million and create a Flood Control Manual and Reservoirs Operations Pilot Program, which would give operators of Reclamation reservoirs more flexibility to temporarily store water in dedicated flood control space during certain low-risk times of the year.

**Introduction Date:** 2019-06-27
# Western Water Security Act of 2019

**Title:** Western Water Security Act of 2019  
**Primary Sponsors:** Tom Udall  
**Bill Summary:** This bill would give an additional $120 million to the Bureau of Reclamation's WaterSMART Program; expand the authority of States and Indian tribes to declare a drought emergency and access vital drought emergency funds; reauthorizes the Cooperative Watershed Management Program; and creates a pilot water leasing program that provides the Bureau of Reclamation and local water districts with increased flexibility to move water where it can be of the most use.  
**Introduction Date:** 2019-10-28

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# Other Bills of Interest:

<table>
<thead>
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<th>Bill Number</th>
<th>Last Action</th>
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<tr>
<td>S 2718</td>
<td>Read Twice And Referred To The Committee On Energy And Natural Resources 2019 10 28</td>
<td>In Senate</td>
<td>High</td>
<td>4.9% 85.4%</td>
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| Title | Local Water Protection Act  
| Primary Sponsors | Angie Craig  
**Bill Summary:** Increases grant funding for state and local governments to decrease water pollutants, including addressing toxic agricultural runoff, septic to sewer conversions, legacy pollutants, impacts from dams, effects of channelization of waterbodies and other forms of pollution.  
**Introduction Date:** 2019-02-25

| Title | National Fish Habitat Conservation Through Partnerships Act  
| Primary Sponsors | Rob Wittman  
**Bill Summary:** This bill codifies National Fish Habitat Partnerships, an initiative that aims to achieve measurable habitat conservation results through strategic partnerships that lead to better fish habitat conditions and increased fishing opportunities.  
**Introduction Date:** 2019-03-13

| Title | Smart Energy and Water Efficiency Act of 2019  
| Primary Sponsors | Jerry McNerney  
**Bill Summary:** This bill would establish a smart energy and water efficiency management program at the Department of Energy to award grants to eligible entities to demonstrate advanced and innovative technology-based solutions that would increase and improve the energy efficiency of water, wastewater, and water reuse systems, among other things.  
**Introduction Date:** 2019-05-10

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| Title | National Fish Habitat Conservation Through Partnerships Act  
| Primary Sponsors | Rob Wittman  
**Bill Summary:** This bill codifies National Fish Habitat Partnerships, an initiative that aims to achieve measurable habitat conservation results through strategic partnerships that lead to better fish habitat conditions and increased fishing opportunities.  
**Introduction Date:** 2019-03-13

| Title | Smart Energy and Water Efficiency Act of 2019  
| Primary Sponsors | Jerry McNerney  
**Bill Summary:** This bill would establish a smart energy and water efficiency management program at the Department of Energy to award grants to eligible entities to demonstrate advanced and innovative technology-based solutions that would increase and improve the energy efficiency of water, wastewater, and water reuse systems, among other things.  
**Introduction Date:** 2019-05-10
<table>
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<td>HR 3596</td>
<td>Placed On The Union Calendar Calendar No 238 2019 11 15</td>
<td>In House</td>
<td>None</td>
<td>12.9% 91.5%</td>
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**Title**
Keep America's Waterfronts Working Act

**Primary Sponsors**
Chellie Pingree

**Bill Summary:** The Keep America's Waterfronts Working Act would establish a Working Waterfront Grant Program to provide matching, competitive grants to coastal states. These grants would help to preserve and expand access to coastal waters for commercial fishing, recreational guiding, aquaculture, boat building, and other water-dependent businesses. The bill would also create a Working Waterfront Task Force at the Department of the Interior. The task force would identify and prioritize critical working waterfront needs with respect to their cultural and economic importance, climate change and other environmental threats, and market conditions for water-dependent businesses. It would also identify working waterfronts within communities.

**Introduction Date:** 2019-06-28

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<table>
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<th>Bill Number</th>
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<td>HR 4033</td>
<td>Referred To The Subcommittee On Commodity Exchanges Energy And Credit 2019 09 04</td>
<td>In House</td>
<td>None</td>
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**Title**
Water Justice Act

**Primary Sponsors**
Dan Kildee

**Bill Summary:** This is the companion bill to S. 2466.

**Introduction Date:** 2019-07-25

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<tr>
<td>S 1604</td>
<td>Introduced In Senate 2019 05 22</td>
<td>In Senate</td>
<td>None</td>
<td>5.4% 78.2%</td>
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</table>

**Title**
Local Water Protection Act

**Primary Sponsors**
Amy Klobuchar

**Bill Summary:** The bill would reauthorize an Environmental Protection Agency (EPA) grant program that provides funds for states to develop and implement programs for managing nonpoint source water pollution, or pollution from diffuse sources including runoff from farms, managed forests, and urban areas. The Act would reauthorize $200 million annually for the voluntary grant fund to give local and state governments, the flexibility to make conservation improvements aimed at decreasing water pollutants through partnerships with their communities. The legislation authorizes the EPA's Section 319 Grant Program and doubles funds for Section 319 from $70 million to $200 million for FYs 2020-2014.

**Introduction Date:** 2019-05-22
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Last Action</th>
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<td>S 1751</td>
<td>Committee On Energy And Natural Resources Reported By Senator Murkowski With An Amendment With Written Report No 116 140 2019 10 23</td>
<td>In Senate</td>
<td>None</td>
<td>2.8% 85.1%</td>
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</table>

**Title**
Bureau of Reclamation Pumped Storage Hydropower Development Act

**Bill Summary:** This bill amends the Reclamation Project Act of 1939 to authorize pumped storage hydropower development utilizing multiple Bureau of Reclamation reservoirs.

**Primary Sponsors**
Maria Cantwell

**Introduction Date:** 2019-06-05

<table>
<thead>
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<th>Bill Number</th>
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<td>S 1811</td>
<td>Referred To The Subcommittee On Water Oceans And Wildlife 2019 07 15</td>
<td>In House</td>
<td>None</td>
<td>20.8% 48.5%</td>
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**Title**
A bill to make technical corrections to the America's Water Infrastructure Act of 2018, and for other purposes.

**Bill Summary:** This bill makes technical corrections to the America's Water Infrastructure Act of 2018. This legislation also includes provisions and technical corrections to the Klamath Basin Water Supply Enhancement Act of 2000, which include conservation and efficiency measures, land idling, and use of groundwater as eligible programs.

**Primary Sponsors**
John Barrasso

**Introduction Date:** 2019-06-12

<table>
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<tr>
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<th>Last Action</th>
<th>Status</th>
<th>Priority</th>
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<td>S 2456</td>
<td>Introduced In Senate 2019 09 10</td>
<td>In Senate</td>
<td>None</td>
<td>3.8% 86.4%</td>
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</table>

**Title**
Clean Water Through Green Infrastructure Act

**Bill Summary:** This bill will establish up to five Centers of Excellence, through a competitive process, to promote green stormwater infrastructure. The Centers will conduct research on stormwater control infrastructure, establish industry standards for stormwater management, and develop testing protocols to measure the success of different products and practices.

**Primary Sponsors**
Tom Udall

**Introduction Date:** 2019-09-10

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Last Action</th>
<th>Status</th>
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<tr>
<td>S 2466</td>
<td>Introduced In Senate 2019 09 11</td>
<td>In Senate</td>
<td>None</td>
<td>4.6% 83.7%</td>
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</table>

**Title**
Water Justice Act

**Bill Summary:** This bill takes a comprehensive approach to addressing water issues throughout the U.S. and pays particular attention to the water needs of historically at-risk communities and individuals. Provisions include investing $220 billion in clean and safe drinking water initiatives, establishing a $10 billion program to allow states to offset the cost of water bills in low-income communities and households that are environmentally at-risk, and invests $20 billion in a diverse range of sustainable water supply, recycling, and conservation programs.

**Primary Sponsors**
Kamala Harris

**Introduction Date:** 2019-09-11
### Clean Water Infrastructure Resilience and Sustainability Act

**Title**: Clean Water Infrastructure Resilience and Sustainability Act  
**Primary Sponsors**: Ben Cardin  
**Bill Summary**: This bill includes $5,000,000 for FY 2020-2024 to create a federal program administered by the EPA to help communities strengthen the resiliency of their publicly owned treatment works against the threats of natural hazards. The measure also reauthorizes the Expanded Drinking Water Infrastructure Resilience and Sustainability competitive grant program at $5,000,000 for FY 2020-2024, to increase resiliency or sustainability such as water conservation, water use efficiency, watershed protection, and modification or relocation.  
**Introduction Date**: 2019-10-17

### Assuring Quality Water Infrastructure Act

**Title**: Assuring Quality Water Infrastructure Act  
**Primary Sponsors**: Shelley Capito  
**Bill Summary**: This bill directs the EPA Administrator to establish a program to provide grants to units of local government, as well as nonprofit entities that own or operate a public water system, and authorizes $5 million annually for FY 2021 through 2025.  
**Introduction Date**: 2019-10-23