

Union Calendar No. 455

105TH CONGRESS
2^D SESSION

H. R. 4111

[Report No. 105-811]

To provide for outlet modifications to Folsom Dam, a study for reconstruction of the Northfork American River Cofferdam, and the transfer to the State of California all right, title, and interest in and to the Auburn Dam, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 1998

Mr. DOOLITTLE (for himself, Mr. POMBO, Mr. HERGER, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources

OCTOBER 12, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 23, 1998]

A BILL

To provide for outlet modifications to Folsom Dam, a study for reconstruction of the Northfork American River Cofferdam, and the transfer to the State of California all right, title, and interest in and to the Auburn Dam, 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. OUTLET MODIFICATIONS TO FOLSOM DAM.**

4 (a) *IN GENERAL.*—*The Secretary shall carry out the*
5 *new outlets plan for modifications of Folsom Dam, Califor-*
6 *nia, substantially in accordance with the Sacramento Area*
7 *Flood Control Agency report entitled “Folsom Dam Modi-*
8 *fication Report, New Outlets Plan”, dated March, 1998.*

9 (b) *VARIABLE STORAGE SPACE.*—*Upon completion of*
10 *the project authorized by this section, the Secretary shall*
11 *operate the Folsom Dam and Reservoir to the variable*
12 *400,000/600,000 acre-feet of flood control storage capacity.*

13 (c) *COST SHARE.*—*The Federal share of the cost of the*
14 *project authorized by this section shall be 65 percent and*
15 *the non-Federal share of the cost of such project shall be*
16 *35 percent.*

17 **SEC. 2. RECONSTRUCTION OF NORTHFORK AMERICAN**
18 **RIVER COFFERDAM.**

19 (a) *STUDY.*—*Not later than 6 months after the date*
20 *of the enactment of this Act, the Secretary shall complete*
21 *a study to determine the feasibility of a project to recon-*
22 *struct and make safety improvements (including construc-*
23 *tion of a spillway or other overflow or outlet structure) to*
24 *Northfork American River Cofferdam, for the purpose of en-*

1 abling such Cofferdam to impound safely a minimum of
2 180,000 acre/feet of water.

3 (b) *DETERMINATION; CONSTRUCTION.*—If, after con-
4 ducting the study pursuant to subsection (a), the Secretary
5 determines that such a project, when combined with the
6 modifications to Folsom dam identified under section 1,
7 would provide greater flood control benefits at a lower cost
8 and with fewer downstream impacts than the Stepped Re-
9 lease Plan described in the Army Corps of Engineers’ report
10 entitled “March 1996 Supplemental Information Report of
11 the Chief of Engineers”, the Secretary shall carry out the
12 Northfork American River Cofferdam project referred to in
13 subsection (a).

14 (c) *COST SHARE.*—The Federal share of the cost of the
15 project authorized by this section shall be 65 percent and
16 the non-Federal share of the cost of such project shall be
17 35 percent.

18 **SEC. 3. TRANSFER OF AUBURN DAM SITE.**

19 (a) *PROJECT DEFINED.*—For the purposes of this sec-
20 tion, the term “Auburn Project” means the Auburn Dam
21 and Reservoir portion of the Auburn-Folsom South Unit,
22 Central Valley Project.

23 (b) *TRANSFER.*—At the request of the Governor of Cali-
24 fornia, in consideration of the State of California accepting
25 the obligations of the United States related to the Auburn

1 *Project, the Secretary shall transfer to the State of Califor-*
2 *nia all right, title, and interest of the United States to the*
3 *Auburn Project not later than 1 year after completion of*
4 *the projects authorized by sections 1 and 2.*

5 *(c) RESERVATION.—Notwithstanding subsection (b),*
6 *the United States shall reserve sufficient interests in the*
7 *lands, rights-of-way, water rights, and facilities described*
8 *in subsection (a) to enable the United States—*

9 *(1) to perform the contractual obligations of the*
10 *United States to the Placer County Water Agency, as*
11 *set forth in the contracts which provide for pumping*
12 *facilities for, and the delivery of water to, the Placer*
13 *County Water Agency and are numbered 14–06–200–*
14 *5082(A), 14–06–859–308, and 14–06–859–308(a);*
15 *and*

16 *(2) to grant to Georgetown Divide Public Utility*
17 *District real property rights sufficient to enable such*
18 *utility district to construct and operate facilities nec-*
19 *essary to divert, treat, and store water supplies from*
20 *American River, and to treat and dispose of sewage*
21 *and wastewater.*

22 *(d) REVERSIONARY INTEREST.—All right, title, and*
23 *interest in and to all property and interests transferred*
24 *under subsection (b) shall revert to the United States on*
25 *the date on which the State of California uses any of such*

1 *property or interests for other than a purpose that is for*
2 *both water resources development and flood control.*

3 *(e) LIABILITY.—On and after the date of the transfer*
4 *of the Project to the State of California pursuant to sub-*
5 *section (b), the United States shall not be liable under any*
6 *law for damages of any kind arising out of any act, omis-*
7 *sion, or occurrence relating to the Project.*

8 **SEC. 4. SECRETARY DEFINED AND CLARIFIED.**

9 *For the purposes of this Act, the term “Secretary” shall*
10 *mean the Secretary of the Interior. The Secretary shall*
11 *carry out this Act through the Bureau of Reclamation.*

12 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

13 *(a) FOLSOM DAM MODIFICATIONS.—There is hereby*
14 *authorized to be appropriated to the Secretary of the Inte-*
15 *rior to carry out the project authorized by section 1 the*
16 *sum of \$101,100,000.*

17 *(b) NORTHFORK AMERICAN RIVER COFFERDAM.—*
18 *There is hereby authorized to be appropriated to the Sec-*
19 *retary of the Interior to carry out the project authorized*
20 *by section 2 the sum of \$130,000,000.*

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