

## Calendar No. 604

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1883****[Report No. 107-284]**

To authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 18), 2001

Mr. SMITH of Oregon (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 17, 2002

Reported by Mr. BINGAMAN, without amendment

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**A BILL**

To authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, 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 “Wallowa Lake Dam  
5 Rehabilitation and Water Management Act of 2001”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ASSOCIATED DITCH COMPANIES, INCOR-  
4 PORATED.—The term “Associated Ditch Companies,  
5 Incorporated” means the non-profit corporation by  
6 that name (as established under the laws of the  
7 State of Oregon) that operates Wallowa Lake Dam.

8 (2) SECRETARY.—The term “Secretary” means  
9 the Secretary of the Interior, acting through the  
10 Commissioner of Reclamation.

11 (3) WALLOWA LAKE DAM REHABILITATION  
12 PROGRAM.—The term “Wallowa Lake Dam Reha-  
13 bilitation Program” means the program for the re-  
14 habilitation of the Wallowa Lake Dam in Oregon, as  
15 contained in the engineering document entitled,  
16 “Phase I Dam Assessment and Preliminary Engi-  
17 neering Design”, dated October 2001, and on file  
18 with the Bureau of Reclamation.

19 (4) WALLOWA VALLEY WATER MANAGEMENT  
20 PLAN.—The term “Wallowa Valley Water Manage-  
21 ment Plan” means the program developed for the  
22 Wallowa River watershed, as contained in the docu-  
23 ment entitled “Wallowa Lake Dam Rehabilitation  
24 and Water Management Plan Vision Statement”,  
25 dated February 2001, and on file with the Bureau  
26 of Reclamation.

1 **SEC. 3. AUTHORIZATION TO PARTICIPATE IN PROGRAM.**

2 (a) AUTHORIZATION.—The Secretary—

3 (1) in cooperation with the Associated Ditch  
4 Companies, Incorporated, may participate in the  
5 Wallowa Lake Dam Rehabilitation Program; and

6 (2) in cooperation with tribal, State and local  
7 governmental entities, may participate in planning,  
8 design and construction of facilities needed to imple-  
9 ment the Wallowa Valley Water Management Plan.

10 (b) COST SHARING.—

11 (1) IN GENERAL.—The Federal share of the  
12 costs of activities authorized under this Act shall not  
13 exceed 80 percent.

14 (2) EXCLUSIONS FROM FEDERAL SHARE.—

15 There shall not be credited against the Federal  
16 share of such costs—

17 (A) any expenditure by the Bonneville  
18 Power Administration in the Wallowa River wa-  
19 tershed; and

20 (B) expenditures made by individual farm-  
21 ers in any Federal farm or conservation pro-  
22 gram.

23 (c) COMPLIANCE WITH STATE LAW.—The Secretary,  
24 in carrying out this Act, shall comply with otherwise appli-  
25 cable State water law.

1 (d) PROHIBITION ON HOLDING TITLE.—The Federal  
2 Government shall not hold title to any facility rehabilitated  
3 or constructed under this Act.

4 (e) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be respon-  
5 sible for the operation and maintenance of any facility con-  
6 structed or rehabilitated under this Act.

8 (f) OWNERSHIP AND OPERATION OF FISH PASSAGE  
9 FACILITY.—Any facility located at Wallowa Lake Dam for  
10 trapping and transportation of migratory adult salmon  
11 may be owned and operated only by the Nez Perce Tribe.

12 **SEC. 4. RELATIONSHIP TO OTHER LAW.**

13 Activities funded under this Act shall not be consid-  
14 ered a supplemental or additional benefit under the Act  
15 of June 17, 1902 (82 Stat. 388), and all Acts amendatory  
16 thereof or supplementary thereto.

17 **SEC. 5. APPROPRIATIONS.**

18 There is authorized to be appropriated to the Sec-  
19 retary \$32,000,000 for the Federal share of the costs of  
20 activities authorized under this Act.



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