

108TH CONGRESS
2D SESSION

H. R. 3747

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2004

Mr. WALDEN of Oregon introduced the following bill; which was referred to the Committee on Resources

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 2004”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ASSOCIATED DITCH COMPANIES, INCOR-
9 PORATED.—The term “Associated Ditch Companies,
10 Incorporated” means the non-profit corporation by

1 that name (as established under the laws of the
2 State of Oregon) that operates Wallowa Lake Dam.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior, acting through the
5 Commissioner of Reclamation.

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

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

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

23 (a) AUTHORIZATION.—The Secretary—

24 (1) may provide funding to the Associated
25 Ditch Companies, Incorporated, in order for the As-

1 sociated Ditch Companies, Incorporated, to plan, de-
2 sign and construct facilities needed to implement the
3 Wallowa Lake Dam Rehabilitation Program; and

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

8 (b) COST SHARING.—

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

12 (2) EXCLUSIONS FROM FEDERAL SHARE.—

13 There shall not be credited against the Federal
14 share of such costs—

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

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

21 (c) COMPLIANCE WITH STATE LAW.—The Secretary,
22 in carrying out this Act, shall comply with otherwise appli-
23 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 (32 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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