

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3437

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## AN ACT

To authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Jackson Gulch Reha-  
3 bilitation Act of 2008”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **ASSESSMENT.**—The term “assessment”  
7 means the engineering document that is—

8 (A) entitled “Jackson Gulch Inlet Canal  
9 Project, Jackson Gulch Outlet Canal Project,  
10 Jackson Gulch Operations Facilities Project:  
11 Condition Assessment and Recommendations  
12 for Rehabilitation”;

13 (B) dated February 2004; and

14 (C) on file with the Bureau of Reclama-  
15 tion.

16 (2) **DISTRICT.**—The term “District” means the  
17 Mancos Water Conservancy District established  
18 under the Water Conservancy Act (Colo. Rev. Stat.  
19 37–45–101 et seq.).

20 (3) **PROJECT.**—The term “Project” means the  
21 Jackson Gulch rehabilitation project, a program for  
22 the rehabilitation of the Jackson Gulch Canal sys-  
23 tem and other infrastructure in the State, as de-  
24 scribed in the assessment.

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

4           (5) STATE.—The term “State” means the State  
5           of Colorado.

6   **SEC. 3. AUTHORIZATION OF JACKSON GULCH REHABILITA-**  
7                                   **TION PROJECT.**

8           (a) IN GENERAL.—Subject to the reimbursement re-  
9           quirement described in subsection (c), the Secretary shall  
10          pay the Federal share of the total cost of carrying out  
11          the Project.

12          (b) USE OF EXISTING INFORMATION.—In preparing  
13          any studies relating to the Project, the Secretary shall,  
14          to the maximum extent practicable, use existing studies,  
15          including engineering and resource information provided  
16          by, or at the direction of—

17                  (1) Federal, State, or local agencies; and

18                  (2) the District.

19          (c) REIMBURSEMENT REQUIREMENT.—

20                  (1) AMOUNT.—The Secretary shall recover from  
21          the District as reimbursable expenses the lesser of—

22                          (A) the amount equal to 35 percent of the  
23                          cost of the Project; or

24                          (B) \$2,900,000.

1           (2) MANNER.—The Secretary shall recover re-  
2           imbursable expenses under paragraph (1)—

3                   (A) in a manner agreed to by the Sec-  
4           retary and the District;

5                   (B) over a period of 15 years; and

6                   (C) with no interest.

7           (3) CREDIT.—In determining the exact amount  
8           of reimburseable expenses to be recovered from the  
9           District, the Secretary shall credit the District for  
10          any amounts it paid before the date of the enact-  
11          ment of this Act for engineering work and improve-  
12          ments directly associated with the Project.

13          (d) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the  
14          operation and maintenance of any facility constructed or  
15          rehabilitated under this Act.

17          (e) LIABILITY.—The United States shall not be liable  
18          for damages of any kind arising out of any act, omission,  
19          or occurrence relating to a facility rehabilitated or con-  
20          structed under this Act.

21          (f) EFFECT.—An activity provided Federal funding  
22          under this Act shall not be considered a supplemental or  
23          additional benefit under—

24                   (1) the reclamation laws; or

1           (2) the Act of August 11, 1939 (16 U.S.C.  
2           590y et seq.).

3           (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Secretary to pay the  
5 Federal share of the total cost of carrying out the Project  
6 \$8,250,000.

          Passed the House of Representatives September 17,  
2008.

Attest:

*Clerk.*

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