

Union Calendar No. 527

110TH CONGRESS
2D SESSION

H. R. 3437

[Report No. 110-813]

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. SALAZAR introduced the following bill; which was referred to the Committee on Natural Resources

JULY 31, 2008

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 August 3, 2007]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Jackson Gulch Rehabili-*
5 *tation Act of 2008”.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

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

5 (A) *entitled “Jackson Gulch Inlet Canal*
6 *Project, Jackson Gulch Outlet Canal Project,*
7 *Jackson Gulch Operations Facilities Project:*
8 *Condition Assessment and Recommendations for*
9 *Rehabilitation”;*

10 (B) *dated February 2004; and*

11 (C) *on file with the Bureau of Reclamation.*

12 (2) *DISTRICT.*—*The term “District” means the*
13 *Mancos Water Conservancy District established under*
14 *the Water Conservancy Act (Colo. Rev. Stat. 37–45–*
15 *101 et seq.).*

16 (3) *PROJECT.*—*The term “Project” means the*
17 *Jackson Gulch rehabilitation project, a program for*
18 *the rehabilitation of the Jackson Gulch Canal system*
19 *and other infrastructure in the State, as described in*
20 *the assessment.*

21 (4) *SECRETARY.*—*The term “Secretary” means*
22 *the Secretary of the Interior, acting through the Com-*
23 *missioner of Reclamation.*

24 (5) *STATE.*—*The term “State” means the State*
25 *of Colorado.*

1 **SEC. 3. AUTHORIZATION OF JACKSON GULCH REHABILITA-**
2 **TION PROJECT.**

3 (a) *IN GENERAL.*—Subject to the reimbursement re-
4 quirement described in subsection (c), the Secretary shall
5 pay the Federal share of the total cost of carrying out the
6 Project.

7 (b) *USE OF EXISTING INFORMATION.*—In preparing
8 any studies relating to the Project, the Secretary shall, to
9 the maximum extent practicable, use existing studies, in-
10 cluding engineering and resource information provided by,
11 or at the direction of—

12 (1) *Federal, State, or local agencies; and*

13 (2) *the District.*

14 (c) *REIMBURSEMENT REQUIREMENT.*—

15 (1) *AMOUNT.*—The Secretary shall recover from
16 the District as reimbursable expenses the lesser of—

17 (A) *the amount equal to 35 percent of the*
18 *cost of the Project; or*

19 (B) *\$2,900,000.*

20 (2) *MANNER.*—The Secretary shall recover reim-
21 bursable expenses under paragraph (1)—

22 (A) *in a manner agreed to by the Secretary*
23 *and the District;*

24 (B) *over a period of 15 years; and*

25 (C) *with no interest.*

1 (3) *CREDIT.*—*In determining the exact amount*
2 *of reimburseable expenses to be recovered from the*
3 *District, the Secretary shall credit the District for*
4 *any amounts it paid before the date of the enactment*
5 *of this Act for engineering work and improvements*
6 *directly associated with the Project.*

7 (d) *PROHIBITION ON OPERATION AND MAINTENANCE*
8 *COSTS.*—*The District shall be responsible for the operation*
9 *and maintenance of any facility constructed or rehabili-*
10 *tated under this Act.*

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

15 (f) *EFFECT.*—*An activity provided Federal funding*
16 *under this Act shall not be considered a supplemental or*
17 *additional benefit under—*

18 (1) *the reclamation laws; or*

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

21 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
22 *authorized to be appropriated to the Secretary to pay the*
23 *Federal share of the total cost of carrying out the Project*
24 *\$8,250,000.*

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