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TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT

An act to authorize the Secretary of the Interior to construct, operate, and maintain the Trinity River division, Central Valley project, California, under Federal reclamation laws. (Act of August 12, 1955, ch. 872, 69 Stat. 719)

[Sec. 1. Central Valley project, California—Trinity River division authorized.]—For the principal purpose of increasing the supply of water available for irrigation and other beneficial uses in the Central Valley of California, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain, as an addition to and an integral part of the Central Valley project, California, the Trinity River division consisting of a major storage reservoir on the Trinity River with a capacity of two million five hundred thousand acre-feet, a conveyance system consisting of tunnels, dams, and appurtenant works to transport Trinity River water to the Sacramento River and provide, by means of storage as necessary, such control and conservation of Clear Creek flows as the Secretary determines proper to carry out the purposes of this Act, hydroelectric powerplants with a total generating capacity of approximately two hundred thirty-three thousand kilowatts, and such electric transmission facilities as may be required to deliver the output of said powerplants to other facilities of the Central Valley project and to furnish energy in Trinity County: *Provided*, That the Secretary is authorized and directed to continue to a conclusion the engineering studies and negotiations with any non-Federal agency with respect to proposals to purchase falling water and, not later than eighteen months from the date of enactment of this Act, report the results of such negotiations, including the terms of a proposed agreement, if any, that may be reached, together with his recommendations thereon, which agreement, if any, shall not become effective until approved by Congress. The works authorized to be constructed shall also include a conduit or canal extending from the most practicable point on the Sacramento River near Redding in an easterly direction to intersect with Cow Creek, with such pumping plants, regulatory reservoirs, and other appurtenant works as may be necessary to bring about maximum beneficial use of project water supplies in the area. (69 Stat. 719)

EXPLANATORY NOTES

Supplementary Provision: Increase in Generating Capacity. A provision in the Public Works Appropriation Act, 1956, 70 Stat. 478, enacted July 2, 1956, increases the generating capacity to approximately 400,000 kilowatts. The provision appears herein in chronological order.

Cross Reference, Storage Reservoir Named. The major storage reservoir on the Trinity River, referred to in the text, was

designated Clair Engle Lake by the Act of October 13, 1964, 78 Stat. 1093. The Act appears herein in chronological order.

Cross Reference, Central Valley Project, California. The Central Valley project, referred to in the text, was authorized by a finding of feasibility by the Secretary of the Interior, approved by the President on December 2, 1935. The project was reauthorized by section 2 of the Act of August 26,

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1937, 50 Stat. 850. The 1937 Act appears herein in chronological order. For references to other authorizations in the Central Valley

project, California, see the explanatory notes following section 2 of the 1937 Act.

Sec. 2. [Integration and coordination with other features of Central Valley project—Fish and wildlife preservation and propagation.]—Subject to the provisions of this Act, the operation of the Trinity River division shall be integrated and coordinated, from both a financial and an operational standpoint, with the operation of other features of the Central Valley project, as presently authorized and as may in the future be authorized by Act of Congress, in such manner as will effectuate the fullest, most beneficial, and most economic utilization of the water resources hereby made available: *Provided*, That the Secretary is authorized and directed to adopt appropriate measures to insure the preservation and propagation of fish and wildlife, including, but not limited to, the maintenance of the flow of the Trinity River below the diversion point at not less than one hundred and fifty cubic feet per second for the months July through November and the flow of Clear Creek below the diversion point at not less than fifteen cubic feet per second unless the Secretary and the California Fish and Game Commission determine and agree that lesser flows would be adequate for maintenance of fish life and propagation thereof; the Secretary shall also allocate to the preservation and propagation of fish and wildlife, as provided in the Act of August 14, 1946 (60 Stat. 1080), an appropriate share of the costs of constructing the Trinity River development and of operating and maintaining the same, such costs to be non-reimbursable: *Provided further*, That not less than 50,000 acre-feet shall be released annually from the Trinity Reservoir and made available to Humboldt County and downstream water users. (69 Stat. 719)

EXPLANATORY NOTE

Reference in the Text. The Act of August 14, 1946 (60 Stat. 1080), referred to in the text, as amended is the Fish and

Wildlife Coordination Act. The Act appears herein in chronological order.

Sec. 3. [Minimum basic facilities for health and safety—Lands for such facilities—Report to Congress on need for additional lands.]—The Secretary is authorized to investigate, plan, construct, operate, and maintain minimum basic facilities for access to, and for the maintenance of public health and safety and the protection of public property on, lands withdrawn or acquired for the development of the Trinity River division, to conserve the scenery and the natural, historic, and archeologic objects, and to provide for public use and enjoyment of the same and of the water areas created by these developments by such means as are consistent with their primary purposes. The Secretary is authorized to withdraw from entry or other disposition under the public land laws such public lands as are necessary for the construction, operation, and maintenance of said minimum basic facilities and for the other purposes specified in this section and to dispose of such lands to Federal, State, and local governmental agencies by lease, transfer, exchange, or conveyance upon such terms and conditions as will best promote their development and operation in the public interest. The Secretary is further authorized to investigate the need for acquiring other

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August 12, 1955

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lands for said purposes and to report thereon to the Committees on Interior and Insular Affairs of the Senate and House of Representatives, but no lands shall be acquired solely for any of these purposes other than access to project lands and the maintenance of public health and safety and the protection of public property thereon without further authorization by the Congress. All costs incurred pursuant to this section shall be nonreimbursable and nonreturnable (69 Stat. 720)

Sec. 4. [Sale and delivery of additional power available through construction of the division—Preference customers.]—Contracts for the sale and delivery of the additional electric energy available from the Central Valley project power system as a result of the construction of the plants herein authorized and their integration with that system shall be made in accordance with preferences expressed in the Federal reclamation laws: *Provided*, That a first preference, to the extent of 25 per centum of such additional energy, shall be given, under reclamation law, to preference customers in Trinity County, California, for use in that county, who are ready, able and willing, within twelve months after notice of availability by the Secretary, to enter into contracts for the energy: *Provided further*, That Trinity County preference customers may exercise their option on the same date in each successive fifth year providing written notice of their intention to use the energy is given to the Secretary not less than eighteen months prior to said date. (69 Stat. 720)

Sec. 5. [Payments to Trinity County, Calif.—Payments to public school districts.]—The Secretary is authorized to make payments, from construction appropriations, to Trinity County, California, of such additional costs of repairing, maintaining, and constructing county roads as are incurred by it during the period of actual construction of the Trinity River division and as are found by the Secretary to be properly attributable to and occasioned by said construction. The Secretary is further authorized and directed to pay to Trinity County annually an in-lieu tax payment out of the appropriations during construction and from the gross revenues of the project during operation an amount equal to the annual tax rate of the county applied to the value of the real property and improvements taken for project purposes in Trinity County, said value being determined as of the date such property and improvements are taken off the tax rolls. Payments to the public-school districts in the project area affected by construction activities shall be made pursuant to existing law. (69 Stat. 720)

NOTE OF OPINION

1. In-lieu tax payments

The authority to make in-lieu tax payments to Trinity County annually in an amount equal to "the annual tax rate of the county" applied to the value of real property and improvements taken for project

purposes, does not include amounts equivalent to the separate tax rates fixed by the various school districts in the county. Letter of Commissioner Dexheimer to Senator Knowland, January 5, 1959.

Sec. 6. [Appropriation.]—There are hereby authorized to be appropriated for construction of the Trinity River division \$225,000,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of

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construction involved herein, and, in addition thereto, such sums as may be required to carry out the provisions of section 5 of this Act and to operate and maintain the said development. (69 Stat. 721)

EXPLANATORY NOTES

Not Codified. This Act is not codified in the U.S. Code. Legislative History. H.R. 4653, Public Law 386 in the 84th Congress. H.R. Rept. No. 602. S. Rept. No. 1154. H.R. Rept. No. 732 (on H. Res. 263).

January 28, 19

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