Department of Defense Appropriations act of 1993, PL 102-396-OCT. 16, 1992, (HR 5504), 106 STAT. 1946

Section 9159. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL PROJECT, CALIFORNIA: PRECONSTRUCTION ENGINEERING AND DESIGN; NATOMAS LEVEE CONSTRUCTION.
(a) CONTINUATION OF ENGINEERING AND DESIGN- The Secretary of the Army is directed to reevaluate the project for flood control and recreation, Sacramento and American Rivers, California, as described in the feasibility report of the Chief of Engineers, entitled the 'American River Watershed investigation', dated July 1, 1992, subject to the provisions of this section.
(b) NATOMAS LEVEE FEATURES-
(1) CONSTRUCTION- The Secretary of the Army is authorized and directed to construct the Natomas Levee features of the project as described in the feasibility report referred to in subsection (a), subject to entering into appropriate local cost sharing agreements from the non-Federal sponsors of the project, provided that such construction does not encourage the development of deep floodplains.
(2) CREDIT FOR CERTAIN NON-FEDERAL WORK- The Secretary of the Army shall credit against the non-Federal share of the cost of construction under paragraph (1), or reimburse the non-Federal sponsors, for any planning and construction work performed by the non-Federal sponsors to protect the Natomas area which is commenced prior to the Army Corps of Engineers' receiving appropriations to initiate such construction and which is consistent with the feasibility report referred to in subsection (a).
(c) GATING AND EXPANDABILITY REPORT- In carrying out the reevaluation described in subsection (a) and in consultation with the State of California, the local non-Federal sponsors, and other interested groups, the Secretary of the Army is directed, within one year after the date of the enactment of this Act, to submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report which:
(1) analyzes the outlet design of the flood control dam proposed as a feature of the project referred to in the subsection (a), including an analysis of various configurations and capacities of gates (including a completely ungated configuration, a partly ungated configuration, emergency gates, operational gates, or a combination thereof) to ensure the safety of the flood control dam itself, to provide for system safety, to minimize small event flooding of the Auburn Canyon, and to minimized damages to the vegetation, soils, and habitat in the canyon; and
(2) includes further analysis as to whether any feature or characteristic of the flood control dam would preclude its efficient expansion for water, power, or other purposes, and whether the design would create any greater difficulty for an expanded dam to meet seismic requirements than a multipurpose dam would otherwise encounter, and further assessment of the extra costs attributable to installation into an expanded dam such penstocks, operational gates and other features of a multipurpose dam which would not be included in an expandable dam lacking advance features.
(d) REPAYMENT OF DESIGN WORK- The non-Federal share of the costs of the design and reevaluations described in subsection (a) shall not be required to be repaid until after the execution of the agreement required by section 103 (j) of the Water Resources Development Act of 1986 and immediately prior to the initiation of construction of the project or the appropriate separable element.
(e) SPECIAL EVALUATION REPORTS-
(1) in carrying out the reevaluation described in subsection (a) and in consultation with the State of California, the local non-Federal sponsors, and other interested groups, the Secretary of the Army shall perform further

evaluation of, and, within twelve months after the date of the enactment of this Act, submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on, other features and operational procedures that should be implemented in a coordinated plan to provide flood protection sufficiently high for a major urban area subject to risk of frequent floods causing great economic, environmental, and social damage. The report shall specifically address, at a minimum, the following:

(i) The reliability, costs, environmental impacts, and public safety risks associated with increasing objectives flows in the Lower American River above the 115,000 cubic feet per second design capacity, as well as the costs and impacts of permanent reoperation of Folsom Reservoir at different levels of increased flood storage, including the appropriate alternatives for sharing costs associated with Folsom Dam.

(ii) The costs and benefits of lowering the spillway at Folsom Dam in order to improve the dam's ability to pass a maximum probable flood and improve its operational flexibility for flood control.

(iii) The costs and benefits of transferring flood control obligations from the Folsom Reservoir to a new flood control facility at Auburn, increasing the Folsom Reservoir's capability for water supply.

(iv) The costs and benefits of utilizing existing and increased flood space in the upstream reservoirs to enhance the flood control capability of Folsom Dam and of establishing offstream storage in Deer Creek, alone or in combination with the alternatives referenced in paragraphs (i) and (ii) of this subsection.

(2) The Secretary of the Army shall further consult with, and solicit the views of, the National Academy of Engineering on the contingency assumptions, hydrological methodologies used in the preparation of the American River Project, and other engineering assumptions and methodologies influencing the scope and formulation of the American River flood control alternatives. Such consultation shall also solicit the views of the National Academy of Engineering on the merits of normalized use of reservoir surcharge space in a flood control regime for Sacramento. Any opinions with respect to these and other issues rendered by the National Academy of Egineering shall be made available to the public and included in the reports transmitted to congress pursuant to this section.

(f) FOLSOM DAM-

(1) IN GENERAL- Congress recognizes the urgency of ensuring that Folsom Dam in operated correctly, safely, efficiently and prudently for flood control purposes. The Secretary of the Interior (in consultation with the Sacramento Area Flood Control Agency and the Secretary of the Army) shall operate Folsom Dam to provide the maximum level of flood protection.

(2) FLOOD MANAGEMENT PLAN-

(A) Not later than one year after the date of enactment of this Act, and consistent with existing law, the Secretaries of the Army and Interior Shall jointly develop and implement a flood management plan for the American River and Folsom Dam that ensures prompt, reliable, and full utilization of the flood control capability at Folsom Dam and other existing water resources development projects located in the American River watershed, California. Consistent with existing law, the plan should maximize the flood control capability within Folsom Dam's flood space reservation. The plan shall also identify opportunities and make recommendations to improve the stream gauge network and flood forecast system for the upper American River watershed. The Plan should also recognize that resevoir releases need to be made as quickly as possible in anticipation of incoming flow and in accordance with existing documents: '1959 Reservoir Regulations, Appendix II, the Corps Master Manual, Sacramento River Basin Reservoir Regulation Manual, Folsom Dam/Reservoir, American River: Oct 1 1956', revised March 1959.

(B) The components of the inflow forecasting system and revised flood release rules and practices, and hydrographic and flood frequency models shall give due deference to the National Academy of Engineering findings developed pursuant to subsection (e)(2) of this section.