

Union Calendar No. 141

112TH CONGRESS
1ST SESSION

H. R. 461

[Report No. 112-217]

To direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. CHAFFETZ (for himself and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 23, 2011

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 January 26, 2011]

A BILL

To direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, 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 “South Utah Valley Elec-*
 5 *tric Conveyance Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *DISTRICT.*—*The term “District” means the*
 9 *South Utah Valley Electric Service District, orga-*
 10 *nized under the laws of the State of Utah.*

11 (2) *ELECTRIC DISTRIBUTION SYSTEM.*—*The term*
 12 *“Electric Distribution System” means fixtures, irri-*
 13 *gation, or power facilities lands, distribution fixture*
 14 *lands, and shared power poles.*

15 (3) *FIXTURES.*—*The term “fixtures” means all*
 16 *power poles, cross-members, wires, insulators and as-*
 17 *sociated fixtures, including substations, that—*

18 (A) *comprise those portions of the Straw-*
 19 *berry Valley Project power distribution system*
 20 *that are rated at a voltage of 12.5 kilovolts and*
 21 *were constructed with Strawberry Valley Project*
 22 *revenues; and*

23 (B) *any such fixtures that are located on*
 24 *Federal lands and interests in lands.*

1 (4) *IRRIGATION OR POWER FACILITIES LANDS.*—
2 *The term “irrigation or power facilities lands” means*
3 *all Federal lands and interests in lands where the fix-*
4 *tures are located on the date of the enactment of this*
5 *Act and which are encumbered by other Strawberry*
6 *Valley Project irrigation or power features, including*
7 *lands underlying the Strawberry Substation.*

8 (5) *DISTRIBUTION FIXTURE LANDS.*—*The term*
9 *“distribution fixture lands” means all Federal lands*
10 *and interests in lands where the fixtures are located*
11 *on the date of the enactment of this Act and which*
12 *are unencumbered by other Strawberry Valley Project*
13 *features, to a maximum corridor width of 30 feet on*
14 *each side of the centerline of the fixtures’ power lines*
15 *as those lines exist on the date of the enactment of*
16 *this Act.*

17 (6) *SHARED POWER POLES.*—*The term “shared*
18 *power poles” means poles that comprise those portions*
19 *of the Strawberry Valley Project Power Transmission*
20 *System, that are rated at a voltage of 46.0 kilovolts,*
21 *are owned by the United States, and support fixtures*
22 *of the Electric Distribution System.*

23 (7) *SECRETARY.*—*The term “Secretary” means*
24 *the Secretary of the Interior.*

1 **SEC. 3. CONVEYANCE OF ELECTRIC DISTRIBUTION SYSTEM.**

2 (a) *IN GENERAL.*—*Inasmuch as the Strawberry Water*
3 *Users Association conveyed its interest, if any, in the Elec-*
4 *tric Distribution System to the District by a contract dated*
5 *April 7, 1986, and in consideration of the District assum-*
6 *ing from the United States all liability for administration,*
7 *operation, maintenance, and replacement of the Electric*
8 *Distribution System, the Secretary shall, as soon as prac-*
9 *ticable after the date of the enactment of this Act and in*
10 *accordance with all applicable law convey and assign to*
11 *the District without charge or further consideration—*

12 (1) *all of the United States right, title, and in-*
13 *terest in and to—*

14 (A) *all fixtures owned by the United States*
15 *as part of the Electric Distribution System; and*

16 (B) *the distribution fixture land;*

17 (2) *license for use in perpetuity of the shared*
18 *power poles to continue to own, operate, maintain,*
19 *and replace Electric Distribution Fixtures attached to*
20 *the shared power poles; and*

21 (3) *licenses for use and for access in perpetuity*
22 *for purposes of operation, maintenance, and replace-*
23 *ment across, over, and along—*

24 (A) *all project lands and interests in irriga-*
25 *tion and power facilities lands where the Electric*
26 *Distribution System is located on the date of the*

1 *enactment of this Act that are necessary for other*
 2 *Strawberry Valley Project facilities (the owner-*
 3 *ship of such underlying lands or interests in*
 4 *lands shall remain with the United States), in-*
 5 *cluding lands underlying the Strawberry Sub-*
 6 *station; and*

7 *(B) such corridors where Federal lands and*
 8 *interests in lands—*

9 *(i) are abutting public streets and*
 10 *roads; and*

11 *(ii) can provide access that will facili-*
 12 *tate operation, maintenance, and replace-*
 13 *ment of facilities.*

14 *(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—*

15 *(1) IN GENERAL.—Before conveying lands, inter-*
 16 *est in lands, and fixtures under subsection (a), the*
 17 *Secretary shall comply with all applicable require-*
 18 *ments under—*

19 *(A) the National Environmental Policy Act*
 20 *of 1969 (42 U.S.C. 4321 et seq.);*

21 *(B) the Endangered Species Act of 1973 (16*
 22 *U.S.C. 1531 et seq.); and*

23 *(C) any other law applicable to the land*
 24 *and facilities.*

1 (2) *EFFECT.*—*Nothing in this Act modifies or*
 2 *alters any obligations under—*

3 (A) *the National Environmental Policy Act*
 4 *of 1969 (42 U.S.C. 4321 et seq.); or*

5 (B) *the Endangered Species Act of 1973 (16*
 6 *U.S.C. 1531 et seq.).*

7 (c) *POWER GENERATION AND 46KV TRANSMISSION FA-*
 8 *CILITIES EXCLUDED.*—*Except for the uses as granted by li-*
 9 *cense in Shared Power Poles under section 3(a)(2), nothing*
 10 *in this Act shall be construed to grant or convey to the Dis-*
 11 *trict or any other party, any interest in any facilities*
 12 *shared or otherwise that comprise a portion of the Straw-*
 13 *berry Valley Project power generation system or the feder-*
 14 *ally owned portions of the 46 kilovolt transmission system*
 15 *which ownership shall remain in the United States.*

16 **SEC. 4. EFFECT OF CONVEYANCE.**

17 *On conveyance of any land or facility under section*
 18 *3(a)(1)—*

19 (1) *the conveyed and assigned land and facilities*
 20 *shall no longer be part of a Federal reclamation*
 21 *project;*

22 (2) *the District shall not be entitled to receive*
 23 *any future Bureau or Reclamation benefits with re-*
 24 *spect to the conveyed and assigned land and facilities,*

1 *except for benefits that would be available to other*
2 *non-Bureau of Reclamation facilities; and*

3 *(3) the United States shall not be liable for dam-*
4 *ages arising out of any act, omission, or occurrence*
5 *relating to the land and facilities, including the*
6 *transaction of April 7, 1986, between the Strawberry*
7 *Water Users Association and Strawberry Electric*
8 *Service District.*

9 **SEC. 5. REPORT.**

10 *If a conveyance required under section 3 is not com-*
11 *pleted by the date that is 1 year after the date of the enact-*
12 *ment of this Act, not later than 30 days after that date,*
13 *the Secretary shall submit to Congress a report that—*

14 *(1) describes the status of the conveyance;*

15 *(2) describes any obstacles to completing the con-*
16 *veyance; and*

17 *(3) specifies an anticipated date for completion*
18 *of the conveyance.*

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