

Calendar No. 291

112TH CONGRESS
2^D SESSION**H. R. 461****[Report No. 112–130]**

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2011

Received; read twice and referred to the Committee on Energy and Natural
Resources

JANUARY 13, 2012

Reported under authority of the order of the Senate of December 17, 2011,
by Mr. BINGAMAN, without amendment

AN ACT

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
5 Electric Conveyance Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DISTRICT.—The term “District” means the
4 South Utah Valley Electric Service District, orga-
5 nized under the laws of the State of Utah.

6 (2) ELECTRIC DISTRIBUTION SYSTEM.—The
7 term “Electric Distribution System” means fixtures,
8 irrigation, or power facilities lands, distribution fix-
9 ture lands, and shared power poles.

10 (3) FIXTURES.—The term “fixtures” means all
11 power poles, cross-members, wires, insulators and
12 associated fixtures, including substations, that—

13 (A) comprise those portions of the Straw-
14 berry Valley Project power distribution system
15 that are rated at a voltage of 12.5 kilovolts and
16 were constructed with Strawberry Valley
17 Project revenues; and

18 (B) any such fixtures that are located on
19 Federal lands and interests in lands.

20 (4) IRRIGATION OR POWER FACILITIES
21 LANDS.—The term “irrigation or power facilities
22 lands” means all Federal lands and interests in
23 lands where the fixtures are located on the date of
24 the enactment of this Act and which are encumbered
25 by other Strawberry Valley Project irrigation or

1 power features, including lands underlying the
2 Strawberry Substation.

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

12 (6) SHARED POWER POLES.—The term “shared
13 power poles” means poles that comprise those por-
14 tions of the Strawberry Valley Project Power Trans-
15 mission System, that are rated at a voltage of 46.0
16 kilovolts, are owned by the United States, and sup-
17 port fixtures of the Electric Distribution System.

18 (7) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 **SEC. 3. CONVEYANCE OF ELECTRIC DISTRIBUTION SYS-**
21 **TEM.**

22 (a) IN GENERAL.—Inasmuch as the Strawberry
23 Water Users Association conveyed its interest, if any, in
24 the Electric Distribution System to the District by a con-
25 tract dated April 7, 1986, and in consideration of the Dis-

1 triet assuming from the United States all liability for ad-
2 ministration, operation, maintenance, and replacement of
3 the Electric Distribution System, the Secretary shall, as
4 soon as practicable after the date of the enactment of this
5 Act and in accordance with all applicable law convey and
6 assign to the District without charge or further consider-
7 ation—

8 (1) all of the United States right, title, and in-
9 terest in and to—

10 (A) all fixtures owned by the United States
11 as part of the Electric Distribution System; and

12 (B) the distribution fixture land;

13 (2) license for use in perpetuity of the shared
14 power poles to continue to own, operate, maintain,
15 and replace Electric Distribution Fixtures attached
16 to the shared power poles; and

17 (3) licenses for use and for access in perpetuity
18 for purposes of operation, maintenance, and replace-
19 ment across, over, and along—

20 (A) all project lands and interests in irri-
21 gation and power facilities lands where the
22 Electric Distribution System is located on the
23 date of the enactment of this Act that are nec-
24 essary for other Strawberry Valley Project fa-
25 cilities (the ownership of such underlying lands

1 or interests in lands shall remain with the
2 United States), including lands underlying the
3 Strawberry Substation; and

4 (B) such corridors where Federal lands
5 and interests in lands—

6 (i) are abutting public streets and
7 roads; and

8 (ii) can provide access that will facili-
9 tate operation, maintenance, and replace-
10 ment of facilities.

11 (b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

12 (1) IN GENERAL.—Before conveying lands, in-
13 terest in lands, and fixtures under subsection (a),
14 the Secretary shall comply with all applicable re-
15 quirements under—

16 (A) the National Environmental Policy Act
17 of 1969 (42 U.S.C. 4321 et seq.);

18 (B) the Endangered Species Act of 1973
19 (16 U.S.C. 1531 et seq.); and

20 (C) any other law applicable to the land
21 and facilities.

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

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

1 (B) the Endangered Species Act of 1973
2 (16 U.S.C. 1531 et seq.).

3 (c) POWER GENERATION AND 46KV TRANSMISSION
4 FACILITIES EXCLUDED.—Except for the uses as granted
5 by license in Shared Power Poles under section 3(a)(2),
6 nothing in this Act shall be construed to grant or convey
7 to the District or any other party, any interest in any fa-
8 cilities shared or otherwise that comprise a portion of the
9 Strawberry Valley Project power generation system or the
10 federally owned portions of the 46 kilovolt transmission
11 system which ownership shall remain in the United States.

12 **SEC. 4. EFFECT OF CONVEYANCE.**

13 On conveyance of any land or facility under section
14 3(a)(1)—

15 (1) the conveyed and assigned land and facili-
16 ties shall no longer be part of a Federal reclamation
17 project;

18 (2) the District shall not be entitled to receive
19 any future Bureau or Reclamation benefits with re-
20 spect to the conveyed and assigned land and facili-
21 ties, except for benefits that would be available to
22 other non-Bureau of Reclamation facilities; and

23 (3) the United States shall not be liable for
24 damages arising out of any act, omission, or occur-
25 rence relating to the land and facilities, including

1 the transaction of April 7, 1986, between the Straw-
2 berry Water Users Association and Strawberry Elec-
3 tric Service District.

4 **SEC. 5. REPORT.**

5 If a conveyance required under section 3 is not com-
6 pleted by the date that is 1 year after the date of the
7 enactment of this Act, not later than 30 days after that
8 date, the Secretary shall submit to Congress a report
9 that—

- 10 (1) describes the status of the conveyance;
- 11 (2) describes any obstacles to completing the
- 12 conveyance; and
- 13 (3) specifies an anticipated date for completion
- 14 of the conveyance.

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