

Calendar No. 46

113TH CONGRESS
1ST SESSION

S. 25

[Report No. 113–15]

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 SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2013

Mr. HATCH (for himself and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

APRIL 22, 2013

Reported by Mr. WYDEN, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “South Utah Valley
3 Electric Conveyance Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

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

13 (3) **FIXTURES.**—The term “fixtures” means all
14 power poles, cross-members, wires, insulators and
15 associated fixtures, including substations, that—

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

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

23 (4) **IRRIGATION OR POWER FACILITIES**
24 **LANDS.**—The term “irrigation or power facilities
25 lands” means all Federal lands and interests in
26 lands where the fixtures are located on the date of

1 the enactment of this Act and which are encumbered
 2 by other Strawberry Valley Project irrigation or
 3 power features, including lands underlying the
 4 Strawberry Substation.

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

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

20 (7) SECRETARY.—The term “Secretary” means
 21 the Secretary of the Interior.

22 **SEC. 3. CONVEYANCE OF ELECTRIC DISTRIBUTION SYS-**
 23 **TEM.**

24 (a) IN GENERAL.—Inasmuch as the Strawberry
 25 Water Users Association conveyed its interest, if any, in

1 the Electric Distribution System to the District by a con-
 2 tract dated April 7, 1986, and in consideration of the Dis-
 3 trict assuming from the United States all liability for ad-
 4 ministration, operation, maintenance, and replacement of
 5 the Electric Distribution System, the Secretary shall, as
 6 soon as practicable after the date of enactment of this Act
 7 and in accordance with applicable law, convey and assign
 8 to the District without charge or further consideration—

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

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

13 (B) the distribution fixture land;

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

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

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

1 cilities (the ownership of such underlying lands
2 or interests in lands shall remain with the
3 United States), including lands underlying the
4 Strawberry Substation; and

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

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

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

12 (b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

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

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

19 (B) the Endangered Species Act of 1973
20 (16 U.S.C. 1531 et seq.); and

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

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

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

3 (B) the Endangered Species Act of 1973
 4 (16 U.S.C. 1531 et seq.).

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

14 **SEC. 4. EFFECT OF CONVEYANCE.**

15 On conveyance of any land or facility under section
 16 3(a)(1)—

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

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

1 (3) the United States shall not be liable for
2 damages arising out of any act, omission, or occur-
3 rence relating to the land and facilities, including
4 the transaction of April 7, 1986, between the Straw-
5 berry Water Users Association and the Strawberry
6 Electric Service District.

7 **SEC. 5. REPORT.**

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

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

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