

115TH CONGRESS
2D SESSION

S. 3472

To authorize the Secretary of the Interior to convey certain lands and facilities of the Big Sand Wash Project, Utah.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2018

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

A BILL

To authorize the Secretary of the Interior to convey certain lands and facilities of the Big Sand Wash Project, Utah.

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 “Big Sand Wash
5 Project Title Transfer Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ACQUIRED LANDS.**—The term “Acquired
9 Lands” means those lands that were acquired by the
10 Central Utah Water Conservancy District with Fed-

1 eral and District funds for the purpose of water
 2 storage and conveyance in the Big Sand Wash Fa-
 3 cilities.

4 (2) ASSOCIATION.—The term “Association”
 5 means the Moon Lake Water Users Association, an
 6 association of 8 irrigation companies in Utah.

7 (3) BIG SAND WASH FACILITIES.—The term
 8 “Big Sand Wash Facilities”—

9 (A) means the following features that are
 10 part of the Uinta Basin Replacement Project
 11 authorized by the Central Utah Project Comple-
 12 tion Act (Public Law 102–575)—

13 (i) the Big Sand Wash Dam, includ-
 14 ing the enlarged reservoir and outlet
 15 works;

16 (ii) the Feeder Pipeline;

17 (iii) the Feeder Diversion;

18 (iv) the Roosevelt Pipeline; and

19 (v) the Big Sand Wash Facilities; and

20 (B) does not include—

21 (i) the Moon Lake Dam and Res-
 22 ervoir; and

23 (ii) the modified outlet works.

24 (4) DISTRICT.—The term “District” means the
 25 Central Utah Water Conservancy District, a political

1 subdivision of the State of Utah with certain respon-
2 sibilities for the implementation of the Central Utah
3 Project Completion Act.

4 (5) DUCHESNE COUNTY.—The term “Duchesne
5 County” means the Duchesne County Water Conser-
6 vancy District in Duchesne County, Utah.

7 (6) FEDERAL LANDS.—The term “Federal
8 Lands” means parcels of federally owned lands and
9 easements acquired for the expansion of the Big
10 Sand Wash Facilities, and includes those original,
11 Association lands deeded to the United States in No-
12 vember 2001 as a permanent easement for the con-
13 veyance and storage of water and the right of in-
14 gress and egress.

15 (7) FEEDER DIVERSION.—The term “Feeder
16 Diversion” means the diversion structure and appur-
17 tenances constructed in the Lake Fork River to di-
18 vert water into the Big Sand Wash Project, and in-
19 cludes the property acquired by easement for the di-
20 version structure and rights of egress and ingress to
21 the property.

22 (8) FEEDER PIPELINE.—The term “Feeder
23 Pipeline” means the pipeline and appurtenances con-
24 structed from the Feeder Diversion to the Big Sand

1 Wash Reservoir, and includes the property acquired
2 by easement for the pipeline.

3 (9) ROOSEVELT PIPELINE.—The term “Roo-
4 sevelt Pipeline” means the pipeline and appur-
5 tenances constructed to deliver project and non-
6 project water from the Big Sand Wash Facilities for
7 the Association and Duchesne County, and includes
8 the property acquired by easement for the pipeline.

9 (10) SECRETARY.—The term “Secretary”
10 means the Secretary of the Interior or a designee of
11 the Secretary.

12 (11) UINTA BASIN REPLACEMENT PROJECT.—
13 The term “Uinta Basin Replacement Project” ap-
14 plies to the project that was authorized by the Cen-
15 tral Utah Project Completion Act to enlarge the Big
16 Sand Wash Dam and Reservoir, construct the Feed-
17 er Diversion, construct the Feeder Pipeline, con-
18 struct the Roosevelt Pipeline, modify the Moon Lake
19 outlet works, develop mitigation lands, and develop
20 other facilities as required to complete project pur-
21 poses.

22 **SEC. 3. CONVEYANCE OF FACILITIES AND LAND.**

23 (a) IN GENERAL.—Subject to subsection (b) and in
24 consideration of the District assuming from the United
25 States all liability for administration, operation, and main-

1 tenance of the Big Sand Wash Facilities, the Secretary
2 shall convey to the District all right, title, and interest
3 of the United States in and to the Acquired Lands, the
4 Federal Lands, and the Big Sand Wash Facilities in exist-
5 ence on the date of the enactment of this Act.

6 (b) CONDITIONS.—The conveyance under subsection
7 (a) shall not be completed until all of the following occur:

8 (1) The District pays to the Secretary the net
9 present value of the remaining repayment obliga-
10 tions identified in the Water Service Contract, Sup-
11 plement No. 2, Contract No. 14–06–400–4286 and
12 Block Notice Number UBRP1, as determined by Of-
13 fice of Management and Budget Circular A–129 (in
14 effect on the date of the enactment of this Act).
15 Such prepayment shall not affect the contract to de-
16 liver water between the District and Duchesne Coun-
17 ty and shall remedy all outstanding issues relating
18 to the District’s expenditure of Federal funds for
19 land acquisition.

20 (2) The Association, the District, and Duchesne
21 County enter into an agreement, only as mutually
22 deemed necessary by the Parties, reflecting as much
23 as possible the existing operating agreement, Agree-
24 ment No. 01–07–40–R7020 dated November 15,

1 2001, that provides for the future operation of and
2 delivery of water from the Big Sand Wash Facilities.

3 (3) The Association and the District enter into
4 an agreement to convey Acquired Lands, Federal
5 Lands, the Feeder Diversion, and the Feeder Pipe-
6 line to the Association.

7 (4) The Association and the District enter into
8 an agreement that ensures the minimum stream flow
9 requirements contained in the Final Environmental
10 Assessment, section 203(a), Uinta Basin Replace-
11 ment Project, dated October 2001.

12 (5) The District and the United States enter
13 into an agreement that ensures the minimum stream
14 flow requirements contained in the Final Environ-
15 mental Assessment, section 203(a), Uinta Basin Re-
16 placement Project, dated October 2001.

17 (6) The District enters into an agreement to
18 convey Acquired Lands and Federal Lands associ-
19 ated with Utah State Route 87 to the Utah Depart-
20 ment of Transportation.

21 (7) The District enters into an agreement to
22 convey the Roosevelt Pipeline to Duchesne County.

23 (c) PREPAYMENT AUTHORITY.—The District is here-
24 by granted authority to prepay, at net present value as
25 determined by Office of Management and Budget Circular

1 A-129 (as in effect on the date of the enactment of this
2 Act), all irrigation block notices associated with the Bon-
3 neville Unit of the Central Utah Project.

4 (d) PAYMENT OF COSTS.—The District shall pay any
5 necessary and reasonable administrative and real estate
6 transfer costs incurred by the Secretary in carrying out
7 the conveyance authorized by subsection (a).

8 (e) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

9 (1) IN GENERAL.—Before conveying land and
10 facilities under subsection (a), the Secretary shall
11 comply with all applicable requirements under—

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

14 (B) the Endangered Species Act of 1973
15 (16 U.S.C. 1531 et seq.); and

16 (C) any other law applicable to the land
17 and facilities.

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

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

22 (B) the Endangered Species Act of 1973
23 (16 U.S.C. 1531 et seq.).

1 **SEC. 4. RELATIONSHIP TO UINTA BASIN REPLACEMENT**
2 **PROJECT.**

3 After the conveyance authorized under section 3(a),
4 the United States shall not be liable for damages arising
5 out of any act, omission, or occurrence relating to the Big
6 Sand Wash Facilities, Acquired Lands, and Federal
7 Lands, except for damages caused by acts of negligence
8 committed by the United States or by any employee or
9 agent of the United States before the date of the convey-
10 ance, consistent with chapter 171 of title 28, United
11 States Code.

12 **SEC. 5. REPORT.**

13 If the conveyance authorized by section 3(a) is not
14 completed by the date that is 12 months after the date
15 of the enactment of this Act, the Secretary shall submit
16 to Congress a report that—

- 17 (1) describes the status of the conveyance;
18 (2) describes any obstacles to completing the
19 conveyance; and
20 (3) specifies an anticipated date for completion
21 of the conveyance.

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