

Calendar No. 579

118TH CONGRESS
2D SESSION**S. 739**

To clarify jurisdiction with respect to certain Bureau of Reclamation pumped storage development, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2023

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

NOVEMBER 21, 2024

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To clarify jurisdiction with respect to certain Bureau of Reclamation pumped storage development, 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. LAND WITHDRAWAL AND RESERVATION.**

4 ~~(a) DEFINITIONS.—In this section:~~

1 (1) AGREEMENT.—The term “Agreement”
 2 means the agreement between the United States and
 3 the Association dated September 6, 1917.

4 (2) ASSOCIATION.—The term “Association”
 5 means the Salt River Valley Water Users’ Associa-
 6 tion.

7 (3) COVERED LAND.—The term “covered land”
 8 means the portion of the National Forest System
 9 land located on the south side of the Salt River from
 10 the March 9, 1903, 1-mile withdrawal area for Rec-
 11 lamation purposes extending an additional 2 miles
 12 from the Salt River at Roosevelt Dam to 18.25 river
 13 miles downstream, not including the Superstition
 14 Mountain Wilderness Area and the Tonto National
 15 Monument, as depicted on the Map.

16 (4) DISTRICT.—The term “District” means the
 17 Salt River Project Agricultural Improvement and
 18 Power District.

19 (5) MAP.—The term “Map” means the map
 20 prepared under subsection (e)(1).

21 (6) SRP.—The term “SRP” means—

22 (A) the District; and

23 (B) the Association.

24 (b) RESERVATION OF COVERED LAND.—Subject to
 25 valid existing rights, the covered land is reserved to the

1 United States, through the Secretary of the Interior, for
 2 the exclusive right to use the covered land and interests
 3 in the covered land for the development, generation, and
 4 transmission of electrical power and energy for the use
 5 and benefit of the Salt River Federal Reclamation Project
 6 pursuant to the Agreement.

7 (c) ~~WITHDRAWAL OF COVERED LAND.~~—The covered
 8 land is permanently withdrawn from—

9 (1) all forms of entry, appropriation, and dis-
 10 posal under the public land laws;

11 (2) location, entry, and patent under the mining
 12 laws; and

13 (3) operation of the mineral leasing, mineral
 14 materials, and geothermal leasing laws.

15 (d) ~~TITLE TO FACILITIES.~~—With respect to facilities
 16 constructed by SRP on the covered land for the develop-
 17 ment, generation, and transmission of electrical power and
 18 energy—

19 (1) title shall be held by the United States as
 20 part of the Salt River Federal Reclamation Project
 21 pursuant to—

22 (A) section 6 of the Act of June 17, 1902
 23 (~~32 Stat. 389, chapter 1093; 43 U.S.C. 498~~);
 24 and

25 (B) the Agreement; and

1 ~~(2) SRP shall be responsible for the care, oper-~~
 2 ~~ation, and maintenance pursuant to the Agreement.~~

3 ~~(c) MAP.—~~

4 ~~(1) IN GENERAL.—As soon as practicable after~~
 5 ~~the date of enactment of this Act, the Secretary of~~
 6 ~~Agriculture shall prepare a map depicting the~~
 7 ~~boundary of the covered land.~~

8 ~~(2) AVAILABILITY.—The Map shall be on file~~
 9 ~~and available for public inspection in the appropriate~~
 10 ~~offices of the Forest Service and the Bureau of Rec-~~
 11 ~~lamation.~~

12 **SECTION 1. LAND WITHDRAWAL AND RESERVATION.**

13 ~~(a) DEFINITIONS.—In this section:~~

14 ~~(1) AGREEMENT.—The term “Agreement” means~~
 15 ~~the agreement between the United States and the As-~~
 16 ~~sociation dated September 6, 1917, as amended.~~

17 ~~(2) ASSOCIATION.—The term “Association”~~
 18 ~~means the Salt River Valley Water Users’ Associa-~~
 19 ~~tion.~~

20 ~~(3) COVERED LAND.—The term “covered land”~~
 21 ~~means the portion of the National Forest System land~~
 22 ~~located on the south side of the Salt River from the~~
 23 ~~March 9, 1903, 1-mile withdrawal area for Bureau of~~
 24 ~~Reclamation purposes extending an additional 2~~
 25 ~~miles from the Salt River at Roosevelt Dam to 18.25~~

1 *river miles downstream, in the State of Arizona, not*
 2 *including the Superstition Mountain Wilderness Area*
 3 *and the Tonto National Monument, as depicted on the*
 4 *Map.*

5 (4) *DISTRICT.*—*The term “District” means the*
 6 *Salt River Project Agricultural Improvement and*
 7 *Power District.*

8 (5) *MAP.*—*The term “Map” means the map pre-*
 9 *pared under subsection (e)(1).*

10 (6) *SRP.*—*The term “SRP” means—*

11 (A) *the District; and*

12 (B) *the Association.*

13 (b) *RESERVATION OF COVERED LAND.*—*Subject to*
 14 *valid existing rights, the covered land is reserved to the*
 15 *United States, through the Secretary of the Interior, for the*
 16 *exclusive right to use the covered land and interests in the*
 17 *covered land for the development, generation, and trans-*
 18 *mission of electrical power and energy for the use and ben-*
 19 *efit of the Salt River Federal Reclamation Project pursuant*
 20 *to the Agreement.*

21 (c) *WITHDRAWAL OF COVERED LAND.*—*The covered*
 22 *land is permanently withdrawn from—*

23 (1) *all forms of entry, appropriation, and dis-*
 24 *posal under the public land laws;*

1 (2) *location, entry, and patent under the mining*
2 *laws; and*

3 (3) *operation of the mineral leasing, mineral*
4 *materials, and geothermal leasing laws.*

5 (d) *FACILITIES.*—*With respect to facilities constructed*
6 *by SRP on the covered land for the development, generation,*
7 *and transmission of electrical power and energy—*

8 (1) *the design and specifications shall conform to*
9 *Bureau of Reclamation standards and final designs*
10 *shall be subject to review and approval by the Sec-*
11 *retary of the Interior;*

12 (2) *all construction work shall be subject to in-*
13 *spection and approval by the Secretary of the Inte-*
14 *rior;*

15 (3) *on a determination of substantial completion*
16 *of the applicable facilities, the Secretary of the Inte-*
17 *rior shall accept title on behalf of the United States*
18 *as part of the Salt River Federal Reclamation Project*
19 *pursuant to—*

20 (A) *section 6 of the Act of June 17, 1902*
21 *(32 Stat. 389, chapter 1093; 43 U.S.C. 498); and*

22 (B) *the Agreement; and*

23 (4) *SRP shall be responsible for the care, oper-*
24 *ation, and maintenance pursuant to the Agreement.*

25 (e) *MAP.*—

1 (1) *IN GENERAL.*—*As soon as practicable after*
2 *the date of enactment of this Act, the Secretary of Ag-*
3 *riculture shall prepare a map depicting the boundary*
4 *of the covered land.*

5 (2) *AVAILABILITY.*—*The Map shall be on file and*
6 *available for public inspection in the appropriate of-*
7 *fices of the Forest Service and the Bureau of Rec-*
8 *lamation.*

9 (f) *MANAGEMENT OF COVERED LAND.*—*The covered*
10 *land shall be managed in accordance with the memorandum*
11 *entitled “Management Memorandum among the Salt River*
12 *Project Agricultural Improvement and Power District,*
13 *United States Department of Agriculture Forest Service*
14 *and United States Bureau of Reclamation” and dated April*
15 *27, 1979, as amended.*

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