

Union Calendar No. 395

107TH CONGRESS
2^D SESSION

H. R. 5039

[Report No. 107-648]

To direct the Secretary of the Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2002

Mr. GIBBONS introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 9, 2002

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 June 27, 2002]

A BILL

To direct the Secretary of the Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada.

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 “Humboldt Project Con-*
5 *veyance Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *For purposes of this Act:*

8 (1) *SECRETARY.*—*The term “Secretary” means*
9 *the Secretary of the Interior.*

10 (2) *STATE.*—*The term “State” means the State*
11 *of Nevada.*

12 (3) *PCWCD.*—*The term “PCWCD” means the*
13 *Pershing County Water Conservation District, a pub-*
14 *lic entity organized under the laws of the State of Ne-*
15 *vada.*

16 (4) *PERSHING COUNTY.*—*The term “Pershing*
17 *County” means the Pershing County government, a*
18 *political subunit of the State of Nevada.*

19 (5) *LANDER COUNTY.*—*The term “Lander Coun-*
20 *ty” means the Lander County government, a political*
21 *subunit of the State of Nevada.*

22 **SEC. 3. AUTHORITY TO CONVEY TITLE.**

23 (a) *IN GENERAL.*—*The Secretary shall, as soon as*
24 *practicable after the date of enactment of this Act, convey,*
25 *all right, title, and interest in and to the lands and features*

1 *of the Humboldt Project, including all water rights for stor-*
2 *age and diversion, to PCWCD, the State, Pershing County,*
3 *and Lander County, consistent with the terms and condi-*
4 *tions set forth in the Memorandum of Agreement between*
5 *PCWCD and Lander County dated January 24, 2000, the*
6 *Conceptual Agreement between PCWCD and the State dated*
7 *October 18, 2001, and the Letter of Agreement between Per-*
8 *shing County and the State dated April 16, 2002.*

9 **(b) COMPLIANCE WITH AGREEMENTS.**—*All parties to*
10 *the conveyance under subsection (a) shall comply with the*
11 *terms and conditions of the agreements cited in subsection*
12 *(a).*

13 **(c) REPORT.**—*If the conveyance required by this sec-*
14 *tion has not been completed within 18 months after the date*
15 *of enactment of this Act, the Secretary shall submit a report*
16 *to the Committee on Resources of the House of Representa-*
17 *tives and the Committee on Energy and Natural Resources*
18 *of the Senate that describes—*

19 **(1)** *the status of the conveyance;*

20 **(2)** *any obstacles to completion of the convey-*
21 *ance; and*

22 **(3)** *the anticipated date for completion of the*
23 *conveyance.*

1 **SEC. 4. PAYMENT.**

2 (a) *IN GENERAL.*—As consideration for any convey-
3 ance required by section 3, PCWCD shall pay to the United
4 States the net present value of miscellaneous revenues asso-
5 ciated with the lands and facilities to be conveyed.

6 (b) *WITHDRAWN LANDS.*—As consideration for any
7 conveyance of withdrawn lands required by section 3, the
8 entity receiving title shall pay the United States (in addi-
9 tion to amounts paid under subsection (a)) the fair market
10 value for any such lands conveyed that were withdrawn
11 from the public domain pursuant to the Secretarial Orders
12 dated March 16, 1934, and April 6, 1956.

13 (c) *ADMINISTRATIVE COSTS.*—Administrative costs for
14 conveyance of any land or facility under this Act shall be
15 paid in equal shares by the Secretary and the entity receiv-
16 ing title to the land or facility, except costs identified in
17 subsections (d) and (e).

18 (d) *REAL ESTATE TRANSFER COSTS.*—As a condition
19 of any conveyance of any land or facility required by sec-
20 tion 3, costs of all boundary surveys, title searches, cadas-
21 tral surveys, appraisals, and other real estate transactions
22 required for the conveyance shall be paid by the entity re-
23 ceiving title to the land or facility.

24 (e) *NEPA COSTS.*—Costs associated with any review
25 required under the National Environmental Policy Act of
26 1969 for conveyance of any land or facility under section

1 3 shall be paid in equal shares by the Secretary and the
2 entity receiving title to the land or facility.

3 (f) *STATE OF NEVADA.*—The State shall not be respon-
4 sible for any payments for land or facilities under this sec-
5 tion. Any proposal by the State to reconvey to another enti-
6 ty land conveyed by the Secretary under this Act shall be
7 pursuant to an agreement with the Secretary providing for
8 fair market value to the United States for the lands, and
9 for continued management of the lands for recreation, wild-
10 life habitat, wetlands, or resource conservation.

11 **SEC. 5. COMPLIANCE WITH OTHER LAWS.**

12 Following the conveyance required by section 3, the
13 district, the State, Pershing County, and Lander County
14 shall, with respect to the interests conveyed, comply with
15 all requirements of Federal, State, and local law applicable
16 to non-Federal water distribution systems.

17 **SEC. 6. REVOCATION OF WITHDRAWALS.**

18 Effective on the date of the conveyance required by sec-
19 tion 3, the Secretarial Orders dated March 16, 1934, and
20 April 6, 1956, that withdrew public lands for the Rye Patch
21 Reservoir and the Humboldt Sink, are hereby revoked.

22 **SEC. 7. LIABILITY.**

23 Effective on the date of the conveyance required by sec-
24 tion 3, the United States shall not be held liable by any
25 court for damages of any kind arising out of any act, omis-

1 sion, or occurrence relating to the Humboldt Project, except
2 for damages caused by acts of negligence committed by the
3 United States or by its employees or agents prior to the
4 date of conveyance. Nothing in this section shall be consid-
5 ered to increase the liability of the United States beyond
6 that currently provided in chapter 171 of title 28, United
7 States Code, popularly known as the Federal Tort Claims
8 Act.

9 **SEC. 8. NATIONAL ENVIRONMENTAL POLICY ACT.**

10 *Prior to conveyance the Secretary shall complete all*
11 *actions as may be required under the National Environ-*
12 *mental Policy Act of 1969 (U.S.C. 4321 et seq.).*

13 **SEC. 9. FUTURE BENEFITS.**

14 *Upon conveyance of the lands and facilities by the Sec-*
15 *retary under this Act, the Humboldt Project shall no longer*
16 *be a Federal reclamation project and the district shall not*
17 *be entitled to receive any future reclamation benefits with*
18 *respect to that project, except those benefits that would be*
19 *available to other nonreclamation districts.*

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