

Calendar No. 273112TH CONGRESS
2^D SESSION**S. 500****[Report No. 112-111]**

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

MARCH 7, 2011

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

JANUARY 13, 2012

Reported under authority of the order of the Senate of December 17, 2011,
by Mr. BINGAMAN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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, ~~pur-~~
 6 ~~suant to the provisions of this Act~~ *as soon as practicable*
 7 *after the date of enactment of this Act and in accordance*
 8 *with applicable law*, convey and assign to the District
 9 without charge or further consideration—

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

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

14 (B) the distribution fixture land;

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

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

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

1 essary for other Strawberry Valley Project fa-
2 cilities (the ownership of such underlying lands
3 or interests in lands shall remain with the
4 United States), including lands underlying the
5 Strawberry Substation; and

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

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

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

13 (b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

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

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

20 (B) the Endangered Species Act of 1973
21 (16 U.S.C. 1531 et seq.); and

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

24 (2) EFFECT.—Nothing in this Act modifies or
25 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, ~~but shall~~
4 ~~continue to be liable for damages caused by acts of~~
5 ~~negligence committed by the United States or by any~~
6 ~~employee or agent of the United States before the~~
7 ~~date of conveyance, consistent with chapter 171 of~~
8 ~~title 28, United States Code. *including the trans-*~~
9 ~~*action of April 7, 1986, between the Strawberry*~~
10 ~~*Water Users Association and the Strawberry Electric*~~
11 ~~*Service District.*~~

12 **SEC. 5. REPORT.**

13 If a conveyance required under section 3 is not com-
14 pleted by the date that is ~~24 months after the date of~~
15 ~~the enactment of this Act~~ *1 year after the date of enactment*
16 *of this Act, not later than 30 days after that date,* the Sec-
17 retary shall submit to Congress a report that—

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

Calendar No. 273

112TH CONGRESS
2^D SESSION

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