

105TH CONGRESS
1ST SESSION

S. 736

To convey certain real property within the Carlsbad Project in New Mexico
to the Carlsbad Irrigation District.

IN THE SENATE OF THE UNITED STATES

MAY 13, 1997

Mr. DOMENICI introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To convey certain real property within the Carlsbad Project
in New Mexico to the Carlsbad Irrigation District.

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 “Carlsbad Irrigation
5 Project Acquired Land Transfer Act”.

6 **SEC. 2. CONVEYANCE.**

7 (a) LANDS AND FACILITIES.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), and subject to the conditions set forth in
10 subsection (c) and section 2(b), the Secretary of the

1 Interior (in this Act referred to as the “Secretary”)
2 is hereby authorized to convey all right, title, and in-
3 terest of the United States in and to the lands de-
4 scribed in subsection (b) (in this Act referred to as
5 the “acquired lands”) in addition to all interests the
6 United States holds in the irrigation and drainage
7 system of the Carlsbad Project and all related lands
8 including ditch rider houses, maintenance shop and
9 buildings, and Pecos River Flume to the Carlsbad
10 Irrigation District (a quasi-municipal corporation
11 formed under the laws of the State of New Mexico
12 and in this Act referred to as the “District”).

13 (2) LIMITATIONS.—

14 (A) The Secretary shall retain title to the
15 surface estate of such acquired lands which are
16 located under the footprint of Brantley and Av-
17 alon dams or any other project dam or reservoir
18 diversion structure.

19 (B) The Secretary shall retain storage and
20 flow easements for any tracts located under the
21 maximum spillway elevations of Avalon and
22 Brantley Reservoirs.

23 (b) ACQUIRED LANDS DESCRIBED.—The lands re-
24 ferred to in subsection (a) are those lands (including the
25 surface and mineral estate) in Eddy County, New Mexico,

1 described as the acquired lands in section (7) of the “Sta-
2 tus of Lands and Title Report: Carlsbad Project” as re-
3 ported by the Bureau of Reclamation in 1978.

4 (c) TERMS AND CONDITIONS OF CONVEYANCE.—Any
5 conveyance of the acquired lands under this Act shall be
6 subject to the following terms and conditions:

7 (1) The conveyed lands shall continue to be
8 managed and used by the District for the purposes
9 for which the Carlsbad Project was authorized, con-
10 sistent with existing management of such lands and
11 other adjacent project lands.

12 (2) Except as provided in paragraph (3), the
13 District shall assume all rights and obligations of
14 the United States under—

15 (A) the agreement dated July 28, 1994,
16 between the United States and the Director,
17 New Mexico Department of Game and Fish
18 (Document No. 2–LM–40–00640), relating to
19 management of certain lands near Brantley
20 Reservoir for fish and wildlife purposes; and

21 (B) the agreement dated March 9, 1977,
22 between the United States and the New Mexico
23 Department of Energy, Minerals, and Natural
24 Resources (Contract No. 7–07–57–X0888) for

1 the management and operation of Brantley
2 Lake State Park.

3 (3) EXCEPTIONS.—In relation to agreements
4 referred to in paragraph (2)—

5 (A) the District shall not be obligated for
6 any financial support agreed to by the Sec-
7 retary, or the Secretary's designee, in either
8 agreement; and

9 (B) the District shall not be entitled to any
10 receipts or revenues generated as a result of ei-
11 ther agreement.

12 (d) SENSE OF THE CONGRESS.—It is the sense of
13 the Congress that the Secretary should complete the con-
14 veyance authorized by this Act, including such action as
15 may be required under the National Environmental Policy
16 Act of 1969 (42 U.S.C. et seq.) within 9 months of the
17 date of enactment of this Act.

18 (e) REPORT TO CONGRESS.—If the conveyance au-
19 thorized by this Act is not completed by the Secretary
20 within 9 months of the date of enactment of this Act, the
21 Secretary shall prepare a report to the Congress which
22 shall include a detailed explanation of problems that have
23 been encountered in completion of the conveyance, and
24 specific steps that the Secretary has taken or will take
25 to complete the conveyance. The Secretary's report shall

1 be transmitted to the Committee on Resources of the
2 House of Representatives, and to the Committee on En-
3 ergy and Natural Resources of the Senate within 30 days
4 after the expiration of such 9 month period.

5 **SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COL-**
6 **LECTED FROM THE ACQUIRED LANDS.**

7 (a) IDENTIFICATION AND NOTIFICATION OF LEASE-
8 HOLDERS.—Within 120 days after the date of enactment
9 of this Act, the Secretary of the Interior shall provide to
10 the District a written identification of all mineral and
11 grazing leases in effect on the acquired lands on the date
12 of enactment of this Act, and the Secretary of the Interior
13 shall notify all leaseholders of the conveyance authorized
14 by this Act.

15 (b) MANAGEMENT OF MINERAL AND GRAZING
16 LEASES, LICENSES, AND PERMITS.—The District shall
17 assume all rights and obligations of the United States for
18 all mineral and grazing leases, licenses, and permits exist-
19 ing on the acquired lands conveyed under section 2, and
20 shall be entitled to any receipts from such leases, licenses
21 and permits accruing after the date of conveyance: *Pro-*
22 *vided*, That all such receipts shall be used for purposes
23 for which the project was authorized. The District shall
24 continue to adhere to the current Bureau of Reclamation
25 mineral leasing stipulations for the Carlsbad Project: *Pro-*

1 *vided further*, That all future mineral leases from acquired
2 lands within a one mile radius of Brantley and Avalon
3 dams shall be subject to the approval of the Secretary
4 prior to consummation of the lease.

5 (c) AVAILABILITY OF AMOUNTS PAID INTO REC-
6 LAMATION FUND.—Receipts paid into the reclamation
7 fund which exist as construction credits to the Carlsbad
8 Project under the terms of the Mineral Leasing Act for
9 Acquired Lands (30 U.S.C. 351–359) as amended shall
10 be made available to the District as credits towards its
11 ongoing operation and maintenance obligation to the Unit-
12 ed States until such credits are depleted: *Provided*, That
13 immediately following the enactment of this Act, such re-
14 cepts collected by the Minerals Management Service, not
15 to exceed \$200,000, shall be made available to the Sec-
16 retary for the purpose of offsetting the actual cost of im-
17 plementing this Act: *Provided further*, That any receipts
18 collected by the Minerals Management Service, prior to the
19 actual date of conveyance, which are in excess of \$200,000
20 shall be deposited into the reclamation fund and added
21 to existing construction credits to the Carlsbad Project.

22 **SEC. 4. WATER CONSERVATION PRACTICES.**

23 The Secretary, in cooperation with the District, is
24 hereby authorized to expend not to exceed \$100,000 annu-
25 ally, from amounts appropriated for operation and mainte-

1 nance within the Bureau of Reclamation, for the purposes
2 of implementing water conservation practices at the Carls-
3 bad Irrigation Project, including but not limited to
4 phreatophyte control: *Provided*, That matching funds shall
5 be provided by the District in direct proportion to the
6 amount of project lands held by the District in relation
7 to withdrawn or other project lands held by the United
8 States: *Provided further*, That nothing in this Act shall
9 be construed to limit the ability of the District to volun-
10 tarily implement water conservation practices.

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