

# Union Calendar No. 155

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1019

[Report No. 106-260]

To direct the Secretary of the Interior to convey lands and interests comprising the Carlsbad Irrigation Project to the Carlsbad Irrigation District, New Mexico.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1999

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

JULY 26, 1999

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To direct the Secretary of the Interior to convey lands and interests comprising the Carlsbad Irrigation Project to the Carlsbad Irrigation District, New Mexico.

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 Conveyance Act”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “District” means the Carlsbad Ir-  
4 rrigation District, a quasimunicipal corporation  
5 formed under the laws of the State of New Mexico  
6 that has its principal place of business in the city of  
7 Carlsbad, Eddy County, New Mexico.

8 (2) The term “Secretary” means the Secretary  
9 of the Interior.

10 (3) The term “Project” means all right, title,  
11 and interest in and to the lands (including the sub-  
12 surface and mineral estate) in Eddy County, New  
13 Mexico, described as the acquired lands in section  
14 (7) of the Status of Lands and Title Report: Carls-  
15 bad Project as reported by the Bureau of Reclama-  
16 tion in 1978 and all interests the United States  
17 holds in the irrigation and drainage system of the  
18 Carlsbad Project and all related ditch rider houses,  
19 maintenance shop and buildings, and Pecos River  
20 Flume.

21 **SEC. 3. CONVEYANCE OF PROJECT.**

22 (a) IN GENERAL.—Except as provided in subsection  
23 (b), in consideration of the District accepting the obliga-  
24 tions of the Federal Government for the Project, and sub-  
25 ject to the completion of payments by the District required

1 under subsection (c)(3), the Secretary shall convey the  
2 Project to the District.

3 (b) RETAINED TITLE.—The Secretary shall retain  
4 title to the surface estate (but not the mineral estate) of  
5 such Project lands which are located under the footprint  
6 of Brantley and Avalon dams or any other Project dam  
7 or reservoir diversion structure. The Secretary shall retain  
8 storage and flow easements for any tracts located under  
9 the maximum spillway elevations of Avalon and Brantley  
10 Reservoirs.

11 (c) DEADLINE.—

12 (1) IN GENERAL.—If no changes in Project op-  
13 erations are expected following the conveyance under  
14 subsection (a), the Secretary shall complete the con-  
15 veyance expeditiously, but not later than 180 days  
16 after the date of the enactment of this Act.

17 (2) DEADLINE IF CHANGES IN OPERATIONS IN-  
18 TENDED.—If the District intends to change Project  
19 operations as a result of the conveyance under sub-  
20 section (a), the Secretary—

21 (A) shall take into account those potential  
22 changes for the purpose of completing any re-  
23 quired environmental evaluation associated with  
24 the conveyance; and

1 (B) shall complete the conveyance by not  
2 later than 2 years after the date of the enact-  
3 ment of this Act.

4 (3) ADMINISTRATIVE COSTS OF CONVEY-  
5 ANCE.—If the Secretary fails to complete the con-  
6 veyance under this Act before the applicable deadline  
7 under paragraph (1) or (2), the full cost of adminis-  
8 trative action and environmental compliance for the  
9 conveyance shall be borne by the Secretary. If the  
10 Secretary completes the conveyance before that  
11 deadline,  $\frac{1}{2}$  of such cost shall be paid by the Dis-  
12 trict.

13 **SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.**

14 (a) IN GENERAL.—Nothing in this Act shall be con-  
15 strued as significantly expanding or otherwise changing  
16 the use and operation of the Project from its current use.  
17 The Project shall continue to be managed and used by  
18 the District for the purposes for which the Project was  
19 authorized, based on historic operations, and consistent  
20 with the management of other adjacent project lands.

21 (b) FUTURE ALTERATIONS.—If the District alters  
22 the operations or uses of the Project, it shall comply with  
23 all applicable laws or regulations governing such changes  
24 at that time (subject to section 5).

1 **SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
2 **TIONS.**

3 (a) IN GENERAL.—Except as provided in subsection  
4 (b), upon conveyance of the Project under this Act the  
5 District shall assume all rights and obligations of the  
6 United States under the agreement dated July 28, 1994,  
7 between the United States and the Director, New Mexico  
8 Department of Game and Fish (Document No. 2-LM-40-  
9 00640), relating to management of certain lands near  
10 Brantley Reservoir for fish and wildlife purposes and the  
11 agreement dated March 9, 1977, between the United  
12 States and the New Mexico Department of Energy, Min-  
13 erals, and Natural Resources (Contract No. 7-07-57-  
14 X0888) for the management and operation of Brantley  
15 Lake State Park.

16 (b) LIMITATION.—The District shall not be obligated  
17 for any financial support agreed to by the Secretary, or  
18 the Secretary's designee, in either agreement and the Dis-  
19 trict shall not be entitled to any receipts or revenues gen-  
20 erated as a result of either agreement.

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

23 (a) NOTIFICATION OF LEASEHOLDERS.—Within 120  
24 days after the date of enactment of this Act, the Secretary  
25 shall provide to the District a written identification of all  
26 mineral and grazing leases in effect on Project lands on

1 the date of enactment of this Act and notify all lease-  
2 holders of the conveyance authorized by this Act.

3 (b) MANAGEMENT OF LEASES, LICENSES, AND PER-  
4 MITS.—The District shall assume all rights and obliga-  
5 tions of the United States for all mineral and grazing  
6 leases, licenses, and permits existing on the Project lands  
7 conveyed under section 3, and shall be entitled to any re-  
8 ceipts from such leases, licenses, and permits accruing  
9 after the date of conveyance. All such receipts shall be  
10 used for purposes for which the Project was authorized  
11 and for financing the portion of operations, maintenance,  
12 and replacement at the Sumner Dam that, prior to convey-  
13 ance, was the responsibility of the Bureau of Reclamation,  
14 with the exception of major maintenance programs in  
15 progress prior to conveyance. The District shall continue  
16 to adhere to the current Bureau of Reclamation mineral  
17 leasing stipulations for the Project.

18 (c) AVAILABILITY OF AMOUNTS PAID INTO THE REC-  
19 LAMATION FUND.—

20 (1) AMOUNTS IN FUND ON DATE OF ENACT-  
21 MENT.—Amounts in the reclamation fund on the  
22 date of enactment of this Act which exist as con-  
23 struction credits to the Carlsbad Project under the  
24 terms of the Mineral Leasing Act for Acquired  
25 Lands (30 U.S.C. 351–359) shall be deposited into

1 the general fund of the Treasury and credited to  
2 deficit reduction or retirement of the Federal debt.

3 (2) RECEIPTS AFTER DATE OF ENACTMENT.—

4 Of the receipts from mineral and grazing leases, li-  
5 censes, and permits on Project lands to be conveyed  
6 under section 3 that are received by the United  
7 States after the date of enactment of this Act and  
8 before the date of conveyance, up to \$200,000 shall  
9 be applied to pay the cost referred to in section  
10 3(c)(3) and the remainder shall be deposited into the  
11 general fund of the Treasury of the United States  
12 and credited to deficit reduction or retirement of the  
13 Federal debt.

14 **SEC. 7. WATER CONSERVATION PRACTICES.**

15 Nothing in this Act shall be construed to limit the  
16 ability of the District to voluntarily implement water con-  
17 servation practices.

18 **SEC. 8. LIABILITY.**

19 Except as otherwise provided by law, effective on the  
20 date of conveyance of the Project under this Act, the  
21 United States shall not be liable for damages of any kind  
22 arising out of any act, omission, or occurrence based on  
23 its prior ownership or operation of the conveyed property.

1 **SEC. 9. FUTURE RECLAMATION BENEFITS.**

2       After completion of the conveyance under this Act,  
3 the District shall not be eligible for any emergency loan  
4 from the Bureau of Reclamation for maintenance or re-  
5 placement of any facility conveyed under this Act.



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