



**Legislative Bulletin.....June 11, 2013**

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**H.R. 251 - South Utah Valley Electric Conveyance Act (Chaffetz, R-UT)**

**Order of Business:** The legislation is scheduled to be considered on June 11, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 251 directs the Secretary of the Interior to transfer all right and title of the Electric Distribution System to the South Utah Valley Electric Service District.

H.R. 461 would direct the Secretary of the Interior to convey the title of the electric distribution system (including land and fixtures) to the South Utah Valley Electric Service District. This electric distribution system is located in Spanish Fork, Utah.

The Secretary would also convey perpetual licenses for:

- the use of shared power poles; and
- the access, for purposes of operation, maintenance, and replacement of all project lands and interests in irrigation and power facilities lands.

The legislation directs the Secretary to comply with requirements under the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and any other law applicable to the land and facilities.

Once conveyed, the land and facilities will no longer be considered part of a federal reclamation project. Additionally, the South Utah Valley Electric Service District will not be entitled to receive any future Bureau of Reclamation benefits, unless those benefits are available to other non-Bureau of Reclamation facilities. If this exchange occurs, the Secretary would be required to submit a report within 30 days that:

- “Describes the status of the conveyance;
- “Describes any obstacles to completing the conveyance; and
- “Specifies an anticipated date for completion of the conveyance.”

**Additional Information:** The following information is according to House Report 113-078:

The Bureau of Reclamation (Reclamation) began developing the Strawberry Valley Project (SVP) in Utah in 1906. Today, this federal project includes the Strawberry Dam and Reservoir, several diversion dams, canals, three power plants and a 296-mile long electric transmission and distribution system. The Strawberry Water Users Association (SWUA), which operated the SVP until 1986 and repaid all applicable construction costs of the electricity distribution system to the federal government, also owned a portion of that electricity distribution system.

In 1986, SWUA sold its portion of the electricity distribution system to the South Utah Valley Electric Service District (SESD). Since there was a mix of federal and non-federal ownership of the electricity distribution system, Reclamation approved the sale only on the condition that the sale be limited to those portions that were not part of the original SVP or were not constructed on federal lands or easements. At the time, Reclamation, SWUA and the SESD believed that most of the distribution system was non-federal. However, Reclamation recently determined that most of the distribution system was built on federal easements acquired early in the SVP history. Reclamation, as a result, now believes that most of the distribution system still belongs to the federal government. It has not quantified how much of the system it owns, however, due to inadequate paperwork. The federal government's determination has created system management and ownership uncertainty since it is unclear which entity owns which portions of the electric distribution system. H.R. 251 resolves this confusion by placing the entire system in local ownership by transferring federal title to the SESD.

In general, such title transfers benefit both local communities and the federal government. The transfer of title will divest Reclamation of federal liability while providing the non-federal entity with greater autonomy and flexibility to manage facilities in a manner that best meets its needs. Non-federal ownership also gives a local entity the ability to leverage private equity in the event of needed repairs or for other reasons. Each Reclamation title transfer requires specific Congressional authorization and Presidential signature. Since 1996, titles to portions of 27 Reclamation projects have been transferred.

Similar legislation, H.R. 461, passed the House of Representatives on October 24, 2011, by voice vote. The RSC Legislative Bulletin for H.R. 461 can be [viewed here](#).

**Committee Action:** H.R. 251 was introduced on January 15, 2013, and was referred to the Natural Resources Subcommittee on Water and Power. The subcommittee discharged the bill. On April 24, 2013, the full committee [held a markup](#) and reported the bill by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that implementing the legislation would have no significant net impact on the federal budget. CBO's report can be [viewed here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to CBO, H.R. 251 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks, limited tax benefits or limited tariff benefits.

**Constitutional Authority:** Rep. Chaffetz states “Congress has the power to enact this legislation pursuant to the following: Tenth Amendment.” The statement can be [viewed here](#).

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## **H.R. 993 - Fruit Heights Land Conveyance Act (Bishop, R-UT)**

**Order of Business:** The legislation is scheduled to be considered on June 11, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 993 directs the Secretary of Agriculture to convey to the city of Fruit Heights, Utah, approximately 100 acres of National Forest System land. This land is depicted on the map entitled “Proposed Fruit Heights City Conveyance” and was dated September 13, 2012.

The city shall pay for the cost of the survey, as well as other administrative costs. The Secretary shall reserve an easement to the National Forest System land for the Bonneville Shoreline Trail.

**Additional Information:** The following information is from House Report 113-065:

The city of Fruit Heights, Utah is surrounded by federal land managed by the U.S. Forest Service. Due to the surrounding federal land, Fruit Heights is constrained in its options for development and is in need of space to develop a community cemetery. H.R. 993 would authorize the Secretary of Agriculture to convey approximately 100 acres of National Forest System land to the city of Fruit Heights for the purpose of allowing the community to have its own cemetery.

**Committee Action:** H.R. 993 was introduced on March 6, 2013, and was referred to the Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the bill. On April 24, 2013, the full committee [held a markup](#) and reported the bill by voice vote.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that implementing the legislation would have no significant impact on the federal budget. CBO’s report can be [viewed here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to CBO, H.R. 993 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks, limited tax benefits or limited tariff benefits.

**Constitutional Authority:** Rep. Bishop states “Congress has the power to enact this legislation pursuant to the following: The constitutional authority of Congress to enact this legislation is provided by Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).” The statement can be [viewed here](#).

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## **H.R. 1157 - Rattlesnake Mountain Public Access Act (Hastings, R-WA)**

**Order of Business:** The legislation is scheduled to be considered on June 11, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 1157 directs the Secretary of the Interior to provide public access to the summit of Rattlesnake Mountain for educational, recreational, historical, scientific, and cultural purposes. This access shall be adequate for motor vehicles and pedestrians. The Secretary of the Interior may cooperate with the Secretary of Energy, the State of Washington, or local government agencies for providing guided tours, and maintaining the access road, to the summit of Rattlesnake Mountain.

Rattlesnake Mountain is located in Hanford Reach National Monument in Washington State.

This legislation does not authorize for appropriation any new spending.

**Additional Information:** Similar legislation, H.R. 2719, passed the House of Representatives on December 15, 2011, by a [roll call vote of 416-0](#). The RSC Legislative Bulletin for H.R. 2719 can be [viewed here](#).

**Committee Action:** H.R. 1157 was introduced on March 14, 2013, and was referred to the Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs. The subcommittee discharged the bill. On April 24, 2013, the full committee [held a markup](#) and reported the bill by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO expects that any change in costs relative to those expected under current law would be minimal. CBO’s report can be [viewed here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to CBO, H.R. 1157 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks, limited tax benefits or limited tariff benefits.

**Constitutional Authority:** Rep. Hastings states “Congress has the power to enact this legislation pursuant to the following: Article IV, section 3.” The statement can be [viewed here](#).

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## **H.R. 1158 - North Cascades National Park Service Complex Fish Stocking Act (Hastings, R-WA)**

**Order of Business:** The legislation is scheduled to be considered on June 11, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 1158 directs the Secretary of Interior to authorize the stocking of fish in not more than 42 of the 91 lakes in the North Cascades National Park Service Complex.

The Secretary shall only stock fish that are:

- native to the slope of the Cascade Range on which the lake to be stocked is located; and
- nonreproducing, as identified in management alternative B of the plan.

H.R. 2351 directs the Secretary to continue a program that monitors and researches the impacts of fish stocking on the resources of the Cascades National Park Service Complex. The legislation also directs the Secretary to submit a report to the Senate Committee on Energy and Natural Resources and the House Natural Resources Committee that describes the results of this research and monitoring program. This report is due within 5 years of enactment and every 5 years thereafter.

**Additional Information:** Similar legislation, H.R. 2351, passed the House of Representatives on December 7, 2011, voice vote. The RSC Legislative Bulletin for H.R. 2351 can be [viewed here](#).

**Committee Action:** H.R. 1157 was introduced on March 14, 2013, and was referred to the Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the bill. On April 24, 2013, the full committee [held a markup](#) and reported the bill by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 1158 would have no significant effect on the federal budget. Under the bill, NPS would be responsible for monitoring the impacts of these activities and submit its findings to the Congress every five years. CBO assumes that the expense of stocking fish would be borne by the state or other nonfederal entities as it has been since the three park units were established. CBO’s report can be [viewed here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to CBO, H.R. 1158 contains no intergovernmental or private-sector

mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks, limited tax benefits or limited tariff benefits.

**Constitutional Authority:** Rep. McMorris Rodgers states “Congress has the power to enact this legislation pursuant to the following: Article IV, section 3.” The statement can be [viewed here](#).

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## **H.R. 723 - Wood-Pawcatuck Watershed Protection Act (*Langevin, D-RI*)**

**Order of Business:** The legislation is scheduled to be considered on June 11, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 723 would designate specific sections of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in Rhode Island and Connecticut for study as potential additions to the national wild and scenic rivers system under the Wild and Scenic Rivers Act.

The legislation requires that the study be completed within three years. The study will also identify:

- “All authorities that will authorize or require the Secretary to influence local land use decisions (such as zoning) or place restrictions on non-Federal land if the area studied is designated under this paragraph;
- “All authorities that the Secretary may use to condemn property if the area studied is designated under this paragraph; and
- “All private property located in the area studied under this provision.”

**Background:** The National Wild and Scenic Rivers System exists to protect certain areas from development which could change their scenic nature. If a section of the river is so designated, it is protected by government agencies to preserve the flow and scenic nature of the river.

Similar legislation, H.R. 3388, passed the House of Representatives on July 23, 2012, by voice vote. The RSC Legislative Bulletin for H.R. 3388 can be [viewed here](#).

**Potential Conservative Concerns:** Some conservatives may be concerned that this legislation could be an introductory step to incorporating parts of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers into the national park system.

According to the Committee “the Wild and Scenic Rivers Act of 1968 intended to put a **development freeze** on rivers to preserve their ‘free-flowing’ values against the influx of manmade dams being constructed at the time.” **[Emphasis Added]** This legislation is the first step necessary in order to have this section of the river included in the National Wild and Scenic Rivers System which would result in a development freeze. At a time of sluggish economic development, conservatives may be concerned about expanding the role of government and further limiting the

potential of the private sector. Conservatives are focused on removing government barriers to job creation, and this legislation arguably is a first step to increasing the government's role in restricting private sector growth.

Additionally, the NPS has a maintenance backlog of approximately \$11.04 billion.<sup>1</sup> This legislation does not contain an offset, or any other reduction to existing NPS responsibilities, to counteract the cost that the NPS would incur in order to carry out the ultimate goal of this legislation.

**Committee Action:** H.R. 723 was introduced on February 14, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the bill. On April 24, 2013, the full committee [held a markup](#) and reported the bill by unanimous consent, as amended.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that implementing the legislation would cost about \$400,000 over the next three years, assuming the availability of appropriated funds. CBO's report can be [viewed here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** CBO estimates H.R. 723 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks, limited tax benefits or limited tariff benefits.

**Constitutional Authority:** Rep. Langevin states "Article I, section 8, Clause 1 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill." The statement can be [viewed here](#).

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<sup>1</sup> <http://www.crs.gov/pages/Reports.aspx?PRODCODE=R42757&Source=search>