

S 2556

Fremont-Madison Conveyance Act

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Water Resources Development

Introduced: May 23, 2002

Current Status: Held at the desk.

Latest Action: Held at the desk. (Nov 22, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/2556>

Sponsor

Name: Sen. Crapo, Mike [R-ID]

Party: Republican • **State:** ID • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Craig, Larry E. [R-ID]	R - ID		May 23, 2002

Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Hearings By (subcommittee)	Aug 1, 2002

Subjects & Policy Tags

Policy Area:

Water Resources Development

Related Bills

Bill	Relationship	Last Action
107 HR 4708	Related bill	Sep 25, 2002: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.

Title I: Fremont-Madison Conveyance - Fremont-Madison Conveyance Act - (Sec. 103) Directs the Secretary of the Interior to: (1) convey to the Fremont-Madison Irrigation District in Idaho, pursuant to a specified Memorandum of Agreement (MOA) between the District and the Secretary, the canals, lateral, drains, and other components of the water distribution and drainage system operated or maintained by the District; and (2) condition such conveyance on the District paying the administrative costs of the conveyance and related activities and the lesser of the net present value of the remaining obligations owed to the United States for the facilities conveyed or \$280,000. Provides for amounts received to be deposited into the reclamation fund. Requires a report to Congress if the Secretary has not completed any conveyance required by this title by September 13, 2003.

(Sec. 105) Requires the Secretary, in conveying the Teton Exchange Wells, to also convey to the District Idaho Department of Water Resources permit number 22-7022, including drilled wells under such permit and all appurtenant equipment.

Extends a specified water service contract between the Secretary and the District until all conditions described in this title are fulfilled.

(Sec. 106) Requires the Secretary, prior to conveyance, to complete all environmental reviews and analyses as set forth in the MOA.

(Sec. 107) Exempts the United States from liability for damages arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States prior to conveyance.

(Sec. 108) Increases the acreage within the District eligible to receive water from the Minidoka and Teton Basin Projects to reflect the number of acres within the District. States that such increase does not alter authorized water deliveries.

(Sec. 109) Requires the Secretary: (1) in collaboration with stakeholders in the Henry's Fork watershed, to initiate a drought management planning process to address all water uses in the watershed; and (2) report a final plan to Congress.

Title II: Denver Water Reuse Project - (Sec. 201) Authorizes the Secretary of the Interior, in cooperation with State and local authorities, to participate in the design, planning, and construction of the Denver Water Reuse project to reclaim and reuse water in the service area of the Denver Water Department of Denver, Colorado.

Limits the Federal share of the Project's cost to 25 percent of the total cost.

Prohibits the use of funds provided by the Secretary for the operation or maintenance of the project.

(Sec. 202) Provides that the design, planning, and construction of the Project shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act.

Title III: Wallowa Lake Dam Rehabilitation - Wallowa Lake Dam Rehabilitation and Water Management Act of 2002- (Sec. 303) Authorizes the Secretary of the Interior, acting through the Commissioner of Reclamation: (1) in cooperation with the Associated Ditch Companies, Incorporated, to participate in the Wallowa Lake Dam Rehabilitation Program; and (2) in cooperation with tribal, State, and local governmental entities, to participate in the planning, design, and construction of facilities needed to implement the Wallowa Valley Water Management Plan.

Limits the Federal share of the cost of activities authorized under this title to 80 percent. Prohibits from being credited against the Federal share of such costs: (1) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and (2) expenditures made by individual farmers in any Federal farm or conservation program.

Prohibits the Federal Government from holding title to or being responsible for the operation and maintenance of any facility rehabilitated or constructed under this title. Permits only the Nez Perce Tribe to own and operate any facility located at the Dam for trapping and transportation of migratory adult salmon.

(Sec. 305) Authorizes appropriations for the Federal cost share of the activities authorized under this title.

Title IV: Albuquerque Biological Park Title Clarification - Albuquerque Biological Park Title Clarification Act - (Sec. 404) Directs the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach and San Gabriel Park in Albuquerque, New Mexico, to the City of Albuquerque. Provides that the City shall not be required to pay any additional costs for the value of such Park and Beach.

(Sec. 405) Prohibits this title from being construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the U.S. District Court entitled Rio Grande Silvery Minnow v. John W. Keys, III concerning the right to any property associated with the Middle Rio Grande Project.

Title V: High Plains Aquifer Hydrogeologic Mapping - High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act - (Sec. 503) Directs the Secretary of the Interior, working through the United States Geological Survey and in cooperation with participating State geological surveys and water management agencies of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (the High Plains Aquifer States), to establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program.

Requires the Program to: (1) undertake mapping of the hydrogeological configuration of the Aquifer; (2) perform analyses of the current and past rates at which groundwater is being withdrawn and recharged, the net rate of decrease or increase in Aquifer storage, the factors controlling the rate of horizontal and vertical migration of water, and the current and past rate of change of saturated thickness within the Aquifer; and (3) develop regional databases and groundwater flow models.

Provides for Federal and State components to the Program. Requires the Secretary to make available 50 percent of the funds available pursuant to this title for carrying out the State component.

Includes as Federal component priorities: (1) coordinating Federal, State, and local data, maps, and models into an integrated physical characterization of the Aquifer; (2) supporting State and local activities with scientific and technical specialists; and (3) undertaking activities and providing technical capabilities not available at the State and local levels. Requires that such component include interdisciplinary studies that add value to hydrogeologic characterization, mapping, modeling, and monitoring for the Aquifer.

Allows a High Plains Aquifer State to elect to participate in the State component. Includes as State component priorities hydrogeologic characterization, mapping, modeling, and monitoring activities in areas of the Aquifer that will assist in addressing issues relating to groundwater depletion and resource assessment of the Aquifer. Directs the Governor of a participating State to appoint a State panel (representing a broad range of users of and persons knowledgeable regarding hydrogeologic data and information) to recommend State component priorities.

Requires: (1) 20 percent of the funds available under the State component be equally divided among the State geological surveys of the High Plains Aquifer States to carry out the purposes of the Program; and (2) the remaining funds under such component to be competitively awarded to State or local agencies or entities in participating High Plains Aquifer States, including State geological surveys, State water management agencies, institutions of higher education, or consortia of such agencies or entities. Permits a State to submit a proposal for the U.S. Geological Survey to undertake activities and provide technical capabilities not available at State and local levels. Provides that such funds shall be awarded by the Director of the U.S. Geological Survey only for proposals that have been recommended by the State panels, subjected to peer review, and given final prioritization and recommendation by the Federal Review Panel. States that proposals for multi-state activities must be recommended by the State panel of at least one of the affected States.

Provides for the establishment of a Federal Review Panel to: (1) evaluate the proposals submitted for funding under the State component; and (2) review and coordinate the Federal component priorities, the Federal interdisciplinary studies, and the State component priorities.

Prohibits: (1) the U.S. Geological survey from using any of the funds to be made available under the State component to pay indirect, servicing, or Program management charges; and (2) recipients of awards granted under this title from using more than 18 percent of the award amount for any fiscal year for such charges. Limits the Federal share to 50 percent of the total cost of a funded activity.

(Sec. 504) Directs the Secretary, acting through the Director, to prepare a plan for the Program to addressing overall priorities a management structure, and Program operations.

(Sec. 505) Requires the Secretary to submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives and the Governors of the High Plains Aquifer States on the status of: (1) implementation of the Program; and (2) the High Plains Aquifer, including aquifer recharge rates, extraction rates, saturated thickness, and water table levels.

(Sec. 506) Authorizes appropriations.

Title VI: Calfed Bay-Delta Program Authorization - Permits the Secretary of the Interior and the heads of the other Federal agencies to participate in the Calfed Bay-Delta Authority established by the California Bay-Delta Authority Act to the extent not inconsistent with other law. Allows the Secretary and specified other Federal agency heads in fiscal years 2003 through 2005 to carry out aspects of the Calfed Bay-Delta Program for which Federal funds are appropriated.

Title VII: T'uf Shur Bien Preservation Trust Area Act - T'uf Shur Bien Preservation Trust Area Act - (Sec. 704) Establishes the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest and the Sandia Mountain Wilderness in New Mexico. Recognizes and protects in perpetuity: (1) the Pueblo of Sandia's rights and interests in such Area; (2) the wilderness and National Forest character of the Area; and (3) the public's longstanding use and enjoyment of the Area.

Directs the Secretary of Agriculture (Secretary), acting through the Forest Service, to continue to administer the Area as National Forest System lands.

Prohibits in the wilderness portion of the Area the use of gaming or gambling, mineral production, timber production and new uses or activities to which the Pueblo objects within its rights.

(Sec. 705) Sets forth the rights and interests of the Pueblo in such Area, including: (1) free and unrestricted access for

traditional and cultural uses (except as they conflict with the Wilderness Act and Federal wildlife protection laws); (2) perpetual preservation of the Wilderness and National Forest character of the Area; (3) rights in management (such as right to consent or withhold consent to new uses, consultation regarding modified uses, management and preservation of the Area, and dispute resolution procedures); and (4) exclusive authority to administer access to the Area for traditional and cultural uses by members of the Pueblo and other Indian tribes.

Requires the United States to compensate the Pueblo as if it held fee title interest in the affected portion if Congress: (1) diminishes the Wilderness and National Forest designation of the Area by authorizing a prohibited use in all or any portion of it; or (2) permanently denies the Pueblo access for any traditional and cultural uses in all or any portion of the Area.

(Sec. 706) Limits the Pueblo's rights and interest in the Area to exclude: (1) any right to sell, grant, lease, convey, encumber or exchange lands in the Area; (2) exemption from applicable Federal wildlife protection laws; (3) the right to conveyance or exchange of land interests; and (4) the right to exclude persons or governmental entities.

Excludes from prosecution for Federal wildlife offenses any members of the Pueblo and other federally recognized Indian tribes who exercise traditional and cultural use rights.

(Sec. 707) Requires the Forest Service to consult with the Pueblo not less than twice a year for approval of activities concerning protection, preservation, and management of the Area. Requires notice to the public of proposed new and modified uses and activities.

Defines dispute resolution procedures involving Forest Service management and Pueblo traditional and cultural uses.

(Sec. 708) Specifies allocation of criminal and civil jurisdiction over such Area among the Pueblo, New Mexico, and the United States.

(Sec. 709) Excludes from the Area all subdivisions, the Piedra Lisa tract, the lands on which the Crest facilities are located, and lands described in the special use permit.

Requires the Pueblo to transfer the La Luz tract and the Piedra Lisa tract (if later acquired) to the United States to be held in trust.

Requires the transfer of certain lands within the Evergreen Hills subdivision to the Pueblo.

Requires the Secretary of the Interior to grant specified rights-of-way in perpetuity to the County of Bernalillo, New Mexico, utility and other service providers, and the Forest Service.

(Sec. 710) Extinguishes all Pueblo claims not specifically recognized within this Act.

(Sec. 711) Disallows the modification of existing private property rights associated with the Piedra Lisa tract or other private lands that are not otherwise addressed in this Act.

(Sec. 712) Limits any suit to enforce this Act brought against the Pueblo to declaratory judgement or injunctive relief, and limits venue to the United States District Court for the District of New Mexico.

(Sec. 714) Authorizes appropriations.

Authorizes the Forest Service to transfer ownership of the Piedra Lisa tract (if the United States acquires it) to the Pueblo

in exchange for lands of equal value owned by the Pueblo.

Authorizes the Secretary to acquire lands owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held lands inside of the exterior boundaries of the Area.

Declares that the Pueblo, the County of Bernalillo, New Mexico, and any person who owns or has owned property inside the exterior boundaries of the Area, and incurred cost as a result of participating in the case of Pueblo of Sandia v. Babbitt, may apply for reimbursement. Prescribes participation requirements and limitations for such reimbursement. Directs the Secretary of the Treasury to make reimbursement payments of up to \$750,000 per party, but no more than \$3 million altogether.

Actions Timeline

- **Nov 22, 2002:** Message on Senate action sent to the House.
- **Nov 22, 2002:** Received in the House.
- **Nov 22, 2002:** Held at the desk.
- **Nov 20, 2002:** Measure laid before Senate by unanimous consent. (consideration: CR 11/19/2002 S11645-11647; text of measure as reported in Senate: CR 11/19/2002 S11645-11646)
- **Nov 20, 2002:** The committee substitute as amended agreed to by Unanimous Consent.
- **Nov 20, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text: CR 11/19/2002 S11646-11647)
- **Nov 20, 2002:** Passed Senate with an amendment by Unanimous Consent. (text: CR 11/19/2002 S11646-11647)
- **Oct 15, 2002:** By Senator Bingaman from Committee on Energy and Natural Resources filed written report. Report No. 107-314.
- **Oct 15, 2002:** By Senator Bingaman from Committee on Energy and Natural Resources filed written report. Report No. 107-314.
- **Oct 8, 2002:** Committee on Energy and Natural Resources. Reported by Senator Bingaman with an amendment in the nature of a substitute. Without written report.
- **Oct 8, 2002:** Committee on Energy and Natural Resources. Reported by Senator Bingaman with an amendment in the nature of a substitute. Without written report.
- **Oct 8, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 645.
- **Oct 4, 2002:** Committee on Energy and Natural Resources. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 31, 2002:** Committee on Energy and Natural Resources Subcommittee on Water and Power. Hearings held. With printed Hearing: S.Hrg. 107-853.
- **May 23, 2002:** Introduced in Senate
- **May 23, 2002:** Sponsor introductory remarks on measure. (CR S4844)
- **May 23, 2002:** Read twice and referred to the Committee on Energy and Natural Resources.