

118TH CONGRESS
1ST SESSION

H. R. 1607

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2023

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To clarify jurisdiction with respect to certain Bureau of
Reclamation pumped storage development, 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. LAND WITHDRAWAL AND RESERVATION.**

2 (a) DEFINITIONS.—In this section:

3 (1) AGREEMENT.—The term “Agreement”
4 means the agreement between the United States and
5 the Association dated September 6, 1917, as amend-
6 ed.

7 (2) ASSOCIATION.—The term “Association”
8 means the Salt River Valley Water Users’ Associa-
9 tion.

10 (3) COVERED LAND.—The term “covered land”
11 means the portion of the National Forest System
12 land located on the south side of the Salt River from
13 the March 9, 1903, 1-mile withdrawal area for the
14 Bureau of Reclamation purposes extending an addi-
15 tional 2 miles from the Salt River at Roosevelt Dam
16 to 18.25 river miles downstream, in the State of Ari-
17 zona, not including the Superstition Mountain Wil-
18 derness Area and the Tonto National Monument, as
19 depicted on the Map.

20 (4) DISTRICT.—The term “District” means the
21 Salt River Project Agricultural Improvement and
22 Power District.

23 (5) MAP.—The term “Map” means the map
24 prepared under subsection (e)(1).

25 (6) SRP.—The term “SRP” means—
26 (A) the District; and

1 (B) the Association.

2 (b) RESERVATION OF COVERED LAND.—Subject to
3 valid existing rights, the covered land is reserved to the
4 United States, through the Secretary of the Interior, for
5 the exclusive right to use the covered land and interests
6 in the covered land for the development, generation, and
7 transmission of electrical power and energy for the use
8 and benefit of the Salt River Federal Reclamation Project
9 pursuant to the Agreement.

10 (c) WITHDRAWAL OF COVERED LAND.—The covered
11 land is permanently withdrawn from—

12 (1) all forms of entry, appropriation, and dis-
13 posal under the public land laws;

14 (2) location, entry, and patent under the mining
15 laws; and

16 (3) operation of the mineral leasing, mineral
17 materials, and geothermal leasing laws.

18 (d) FACILITIES.—With respect to facilities con-
19 structed by SRP on the covered land for the development,
20 generation, and transmission of electrical power and en-
21 ergy—

22 (1) the design and specifications shall conform
23 to Bureau of Reclamation standards, and final de-
24 signs shall be subject to review and approval by the
25 Secretary of the Interior;

1 (2) all construction work shall be subject to in-
2 spection and approval by the Secretary of the Inte-
3 rior;

4 (3) upon a determination of substantial comple-
5 tion of such facilities, the Secretary of the Interior
6 shall accept title on behalf of the United States as
7 part of the Salt River Federal Reclamation Project
8 pursuant to—

9 (A) section 6 of the Act of June 17, 1902
10 (32 Stat. 389, chapter 1093; 43 U.S.C. 498);
11 and

12 (B) the Agreement; and

13 (4) SRP shall be responsible for the care, oper-
14 ation, and maintenance pursuant to the Agreement.

15 (e) MAP.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date of enactment of this Act, the Secretary of
18 Agriculture shall prepare a map depicting the
19 boundary of the covered land.

20 (2) AVAILABILITY.—The Map shall be on file
21 and available for public inspection in the appropriate
22 offices of the Forest Service and the Bureau of Rec-
23 lamation.

24 (f) MANAGEMENT OF COVERED LAND.—Manage-
25 ment of the covered lands shall be in accordance with the

1 Management Memorandum among the District, United
2 States Department of Agriculture, Forest Service, and the
3 Bureau of Reclamation, dated April 27, 1979, as amend-
4 ed.

5 (g) RELATION TO OTHER LAW.—

6 (1) COMPLIANCE WITH ENVIRONMENTAL
7 LAWS.—The Secretary of the Interior is directed to
8 carry out all necessary environmental compliance
9 under the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321, et seq.), the Endangered
11 Species Act of 1973 (16 U.S.C. 1531, et seq.), and
12 all other applicable environmental laws and regula-
13 tions, prior to construction of facilities on the cov-
14 ered land for the development, generation, and
15 transmission of electrical power and energy.

16 (2) LEAD AGENCY.—The Bureau of Reclama-
17 tion shall be the lead agency with respect to environ-
18 mental compliance.

19 (3) WITHDRAWAL NOT MAJOR FEDERAL AC-
20 TION.—The withdrawal of the covered land shall not
21 constitute a major Federal action under the Na-
22 tional Environmental Policy Act of 1969 (42 U.S.C.
23 4321, et seq.).

24 (4) ANTIDEFICIENCY.—The United States shall
25 not be liable for failure to carry out any obligation

1 or activity authorized to be carried out under this
2 title (including any such obligation or activity under
3 the Agreement) if adequate appropriations are not
4 provided by Congress expressly to carry out the pur-
5 poses of this Act.

Passed the House of Representatives November 6,
2023.

Attest: KEVIN F. MCCUMBER,
Clerk.