

115TH CONGRESS
2D SESSION

S. 3613

To direct the Secretary of the Interior to convey the Mancos Project features to the Mancos Water Conservancy District in the State of Colorado.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 2018

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

A BILL

To direct the Secretary of the Interior to convey the Mancos Project features to the Mancos Water Conservancy District in the State of Colorado.

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 “Mancos Water Conser-
5 vancy District Conveyance Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **CONTRACT.**—

9 (A) **IN GENERAL.**—The term “Contract”

10 means the contract providing for the repayment

of construction and operation and maintenance costs of the Mancos Project entered into by the United States and the District numbered I1r-1384 and dated July 20, 1942.

(B) INCLUSIONS.—The term “Contract” includes any amendment or supplement to the contract described in subparagraph (A).

(2) DISTRICT.—The term “District” means the Mancos Water Conservancy District, established on January 6, 1941, under the Water Conservancy Act (Colo. Rev. Stat. 37–45–101 et seq.).

(3) MANCOS PROJECT.—The term “Mancos Project” means the project of the Bureau of Reclamation—

(A) located in the State; and

(B) authorized by the Act of August 11, 1939 (commonly known as the “Water Conservation and Utilization Act”) (16 U.S.C. 590y et seq.).

(4) MANCOS PROJECT FEATURE.—

(A) IN GENERAL.—The term “Mancos Project feature” means the inlet canal, outlet canal, structures, facilities, land, easements, rights-of-way, buildings, and water rights associated with the Mancos Project.

1 (B) INCLUSION.—The term “Mancos
2 Project feature” includes the Jackson Gulch
3 Reservoir.

4 (C) EXCLUSIONS.—The term “Mancos
5 Project feature” does not include—

6 (i) the Jackson Gulch Dam; or

7 (ii) any structure, facility, or other
8 improvement associated with the Mancos
9 Project paid for by the State.

10 (5) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior, acting through the
12 Commissioner of Reclamation.

13 (6) STATE.—The term “State” means the State
14 of Colorado.

15 (7) TRANSFER AGREEMENT.—The term
16 “Transfer Agreement” means the agreement be-
17 tween the United States and the District estab-
18 lishing the terms and conditions of the conveyance
19 of the Mancos Project features from the United
20 States to the District.

21 **SEC. 3. MANCOS PROJECT FEATURES CONVEYANCE, COLO-**
22 **RADO.**

23 (a) CONVEYANCE OF MANCOS PROJECT FEATURES
24 AND EASEMENT.—

1 (1) FINDING RELATING TO CONTRACT REPAY-
2 MENT.—Congress finds that the District has com-
3 pleted the obligation of the District under the Con-
4 tract to repay the capital costs of the Mancos
5 Project.

6 (2) CONVEYANCES.—

7 (A) MANCOS PROJECT FEATURES.—

8 (i) IN GENERAL.—As soon as prac-
9 ticable after the date of enactment of this
10 Act, in accordance with applicable law (in-
11 cluding regulations), the Secretary shall
12 convey to the District all right, title, and
13 interest of the United States in and to the
14 Mancos Project features, in accordance
15 with the terms and conditions established
16 in the Transfer Agreement.

17 (ii) NO ADDITIONAL CONSIDERATION
18 REQUIRED.—The District shall not be re-
19 quired to provide to the Secretary addi-
20 tional consideration for the conveyance of
21 the Mancos Project features under clause
22 (i).

23 (B) EASEMENT.—

24 (i) IN GENERAL.—The Secretary shall
25 convey to the State an easement for access

1 to the Mancos Project features that make
2 up Mancos State Park for the benefit of
3 the public for recreation and related man-
4 agement uses.

5 (ii) NO CONSIDERATION REQUIRED.—

6 The State shall not be required to provide
7 consideration to the Secretary for the con-
8 veyance of the easement under clause (i).

9 (iii) EFFECT.—Nothing in this sub-
10 paragraph—

11 (I) affects the jurisdiction of the

12 State with respect to the management
13 and maintenance of Mancos State
14 Park; or

15 (II) authorizes the District to

16 manage or maintain Mancos State
17 Park.

18 (iv) TERMINATION.—

19 (I) NOTICE.—If the State perma-

20 nently closes Mancos State Park, the
21 State shall terminate the easement
22 conveyed under clause (i) by written
23 notice to the Secretary and the Dis-
24 trict.

1 (II) EFFECT.—On the termi-
 2 nation of the easement under sub-
 3 clause (I), all affixed structures, facili-
 4 ties, or other improvements paid for
 5 by the State within Mancos State
 6 Park shall become the property of the
 7 District at no cost to the District.

8 (3) COMPLIANCE WITH ENVIRONMENTAL
 9 LAWS.—

10 (A) IN GENERAL.—Before completing any
 11 conveyance under paragraph (2)(A)(i), the Sec-
 12 retary shall carry out all actions required
 13 under—

14 (i) the National Environmental Policy
 15 Act of 1969 (42 U.S.C. 4321 et seq.);

16 (ii) the Endangered Species Act of
 17 1973 (16 U.S.C. 1531 et seq.); or

18 (iii) any other law applicable to the
 19 property conveyed.

20 (B) EFFECT.—Nothing in this Act modi-
 21 fies or alters any obligation of the United
 22 States under—

23 (i) the National Environmental Policy
 24 Act of 1969 (42 U.S.C. 4321 et seq.); or

1 (ii) the Endangered Species Act of
 2 1973 (16 U.S.C. 1531 et seq.).

3 (4) JACKSON GULCH DAM.—

4 (A) POSSESSION.—The United States shall
 5 retain possession of the Jackson Gulch Dam.

6 (B) NO EFFECT ON TRANSFERRED WORKS
 7 AGREEMENT.—The District shall continue in ef-
 8 fect the operations and maintenance of the
 9 Jackson Gulch Dam and associated outlet
 10 works in accordance with—

11 (i) article 11 of the Contract; and

12 (ii) the transferred works agreement
 13 dated December 12, 1962.

14 (b) LIMITATION.—

15 (1) IN GENERAL.—Notwithstanding any provi-
 16 sion of the Contract or any other provision of law
 17 (including any law described in paragraph (2)), ef-
 18 fective beginning on the date of the conveyance
 19 under subsection (a)(2)(A)(i), the Secretary may not
 20 assess any additional fee or charge or incur any ad-
 21 ditional costs relating to any outlet works that is a
 22 Mancos Project feature (based on the historical use
 23 of the applicable outlet works).

24 (2) DESCRIPTION OF LAWS.—The laws referred
 25 to in paragraph (1) are—

1 (A) section 9 of the Act of August 11,
 2 1939 (commonly known as the “Water Con-
 3 servation and Utilization Act”) (16 U.S.C.
 4 590z-7);

5 (B) the Mancos Project Private Power De-
 6 velopment Authorization Act of 1994 (Public
 7 Law 103-434; 108 Stat. 4549);

8 (C) Public Law 106-549 (114 Stat. 2743);
 9 and

10 (D) section 9105 of the Omnibus Public
 11 Land Management Act of 2009 (Public Law
 12 111-11; 123 Stat. 1303).

13 (3) VALID EXISTING RIGHTS.—The conveyance
 14 under subsection (a)(2)(A)(i) shall be subject to all
 15 valid existing leases, permits, rights-of-way, ease-
 16 ments, and other rights appurtenant to the Mancos
 17 Project features.

18 (c) NO LIABILITY.—Except as otherwise provided by
 19 law, effective on the date of conveyance to the District
 20 of the Mancos Project features under subsection
 21 (a)(2)(A)(i), the United States shall not be liable for any
 22 damages arising out of any act, omission, or occurrence
 23 based on any prior ownership or operation by the United
 24 States of any Mancos Project feature.

25 (d) REPORTS.—

1 (1) INITIAL REPORT ON CONVEYANCE DELAY.—

2 If the Secretary is unable to convey to the District
3 the Mancos Project features under subsection
4 (a)(2)(A)(i) by the date that is 1 year after the date
5 of enactment of this Act, the Secretary shall submit
6 to the Committee on Energy and Natural Resources
7 of the Senate and the Committee on Natural Re-
8 sources of the House of Representatives, by not later
9 than 30 days after that date, a report that de-
10 scribes—

11 (A) the reasons for the delay; and

12 (B) a schedule for completing the convey-
13 ance as soon as practicable.

14 (2) SUBSEQUENT ANNUAL REPORTS.—Not less
15 frequently than once each year during the period be-
16 ginning on the date of submission of the report
17 under paragraph (1), if applicable, and ending on
18 the date on which the Mancos Project features are
19 conveyed in accordance with this Act, the Secretary
20 shall submit to the Committee on Energy and Nat-
21 ural Resources of the Senate and the Committee on
22 Natural Resources of the House of Representatives
23 reports that provides the information described in
24 subparagraphs (A) and (B) of paragraph (1).

1 (e) EFFECT.—Nothing in this Act, or any action car-
2 ried out by the Secretary pursuant to this Act affects, im-
3 pacts, or establishes any additional burden or obligation
4 on the District in the exercise of any right of the District
5 relating to—

6 (1) water;

7 (2) real property; or

8 (3) the use of any Mancos Project feature.

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