

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

November 14, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff
Subcommittee on Water, Power and Oceans (x5-8331)

Markup: **H.R. 1219 (Rep. Tom Cole, R-OK)**, To authorize the Secretary of the Interior to convey certain land and appurtenances of the Arbuckle Project, Oklahoma, to the Arbuckle Master Conservancy District, and for other purposes.
November 15-16, 2016; 1324 Longworth House Office Building

H.R. 1219 (Rep. Tom Cole, R-OK), “Arbuckle Project Maintenance Complex and District Conveyance Act of 2015”

Bill Summary:

H.R. 1219 authorizes the Secretary of the Interior to convey all U.S. right, title and interest in the Maintenance Complex and District Office of the federal Arbuckle Project in Oklahoma to the Arbuckle Master Conservancy District in Murray County, Oklahoma.

Background:

Authorized in 1962 by Public Law 87-594,¹ the Bureau of Reclamation’s (Reclamation) Arbuckle Project (Project) in south-central Oklahoma provides a number of benefits including flood control, municipal water supply, recreation and fish and wildlife purposes. The Arbuckle Master Conservancy District (District) contracted with the federal government for the payment of the reimbursable costs for construction and operation and maintenance of the Project.²

The Project’s authorizing statute allowed for the conveyance of title to “pipelines and related facilities as are used solely for delivering project water to the water users”³ upon completion of the District’s repayment obligations. The District completed repayment of its capital costs for the Project in September 2012 and title to the Wynnewood Pumping Plant and Aqueduct was transferred from Reclamation to the District in December 2012. The District, which has operated and maintained these facilities since January 1968, requested that the

¹ [P.L.87-594](#), approved 08/24/62

² U.S. Bureau of Reclamation, *Repayment of Reclamation Projects Contract no.14-06-500-894*

³ [P.L.87-594](#), §2(c)2

Maintenance Complex and District Office be included in the transfer. However, according to District officials, Reclamation indicated that there was not sufficient authority to complete this request since the facilities were not used solely for the purpose of delivering project water.⁴

H.R. 1219 authorizes the Interior Secretary to convey all right, title and interest related to the Maintenance Complex and District Office and the approximately 2.83 acres including these facilities to the District. The goal of the legislation is to allow the District to reduce federal paperwork requirements while also relieving the federal government of all future liability and financial responsibilities. This legislation is similar to the 27 other title transfers enacted over the last two decades.⁵

Major Provisions of H.R. 1219:

Section 2 of the bill authorizes the Interior Secretary to convey to the District all right, title and interest of the Maintenance Complex and District Office of the Arbuckle Project per “Agreement No. 14AG640141” as defined in the legislation. Once conveyed, the United States will be relieved of all future liability and financial responsibilities related to the Maintenance Complex and District Office, and will only be held liable for damages caused by acts of negligence committed by the United States or by its employees prior to the date of conveyance.⁶ In addition, the Maintenance Complex and District Office would no longer be considered part of a federal reclamation project.

Cost:

The Congressional Budget Office has not completed a cost estimate of this bill at this time, however it should cost nothing in federal funds since the District has advanced funding to cover Reclamation’s administrative costs associated with the transfer.

Administration Position:

The Administration supported H.R. 1219 at an October 28, 2015 Water, Power and Oceans Subcommittee legislative hearing.⁷

⁴ U.S. Bureau of Reclamation, Arbuckle Master Conservancy District; *Memorandum of Agreement no. 13AG6H0137*, (September 20, 2013) p. 17; available at: https://www.usbr.gov/gp/otao/arbuckle_title_transfer_draft_ea.pdf

⁵ U.S. Bureau of Reclamation, Title Transfer of Projects and Facilities, *Title Transfer of Projects and Facilities of the Bureau of Reclamation*; available at: <http://www.usbr.gov/title/>

⁶ *Id.*

⁷ Submitted Testimony of Ms. Letty Belin, Counselor to the Deputy Secretary, U.S. Department of the Interior, to the Water, Power and Oceans Subcommittee legislative hearing, October 28, 2015.