



— BUREAU OF — RECLAMATION

TITLE TRANSFER FREQUENTLY ASKED QUESTIONS:

Q: My District is interested in taking title to Reclamation facilities. How do we learn more about the title transfer process?

A: Information about the title transfer process is available online. Guidance and updates will be posted to Reclamation's title transfer webpage [insert link to usbr.gov/title]. Current process guidance is laid out in [Temporary Reclamation Manual Release CMP-120, Transfer of Title for Bureau of Reclamation Project Facilities and its Appendix. To learn more or initiate the process, please contact your local area or regional office.](#)

Q: What is the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, (Pub. L. 116-9)?

A: [The John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, \(Pub. L. 116-9\) is an act of Congress that was signed into law on March 12, 2019. Title VIII of this Act provides](#) the Secretary of the Interior, acting through the Commissioner, with new authority to transfer title to certain eligible facilities to qualifying entities without specific acts of Congress. Reclamation's authority is also codified at 43 U.S.C. 2902, et seq.

Q: Who is eligible for title transfer under Pub. L. 116-9?

A: An agency of a state or political subdivision of a state, a joint action or powers agency, a water users association, or an Indian tribe or tribal utility authority that, as of the date of title transfer, is the current operator of the eligible facility pursuant to a contract with Reclamation; and as determined by Reclamation, has the capacity to continue to manage the eligible facility for the same purposes for which the property has been managed under the Reclamation laws.

Q: What facilities are eligible for title transfer Pub. L. 116-9?

A: A dam or appurtenant works, canal, lateral, ditch, gate, control structure, pumping station, other infrastructure, recreational facility, building, power generating, and transmission infrastructure, pipelines, distribution, and drainage works, and associated land or interest in land or water. Eligible facilities do not include a Reclamation project facility, or a portion of a Reclamation project facility—(i) that is a reserved works as of March 12, 2019; (ii) that generates hydropower marketed by a Federal power marketing administration; or (iii) that is managed for recreation under a lease, permit, license, or other management agreement that contributes to capital repayment.

Q: I don't think our title transfer request is eligible for transfer under Pub. L. 116-9. Can we still do a title transfer?

A: Congress must authorize title transfer in specific legislation if Pub. L. 116-9 does not apply or the facility does not meet the eligibility criteria. TRMR CMP-120 directs staff in implementing Reclamation's title transfer and responsibilities pursuant to Federal law, including Pub. L. 116-9.

Q: How can a title transfer be initiated?

A: The current operator of the facility must submit a written request to an area manager or regional director to initiate a title transfer process. The written request must identify the specific facilities that are the subject of the proposed title transfer.

Q: What does the title transfer process entail?

A: Reclamation will work with a requestor to complete the Title Transfer Checklist, which will help to identify necessary steps in the title transfer process for a given request. In general, the title transfer process includes the determination of eligibility under Pub. L. 116-9, public outreach and involvement, facility valuation, environmental impact analyses, and negotiation of a transfer agreement. Under Pub. L. 116-9, Reclamation must also submit a report to Congress at least 90 days before executing the title transfer agreement provided Congress does not pass a joint resolution blocking the title transfer.

Q: How do I know if a title transfer is eligible for a Categorical Exclusion (CE) from the National Environmental Protection Act (NEPA) requirements?

A: A CE is appropriate to use for proposed title transfers if the scope of the requested transfer is consistent with the terms of the CE, as laid out in [516 Departmental Manual 14.5 F \(1\) and there are no extraordinary circumstances.](#)

Q: How long does a title transfer usually take?

A: The timeline for a title transfer will vary depending upon the characteristics of the project and the facilities proposed for title transfer. Variables that may impact a title transfer schedule include eligibility under Pub. L. 116-9, eligibility for a CE, number of project purposes, number of project beneficiaries, and accessibility and condition of the chain of documents relating to land and land interests.

Q: When will more title transfer guidance become available?

A: Reclamation is currently developing permanent guidance for title transfer. This guidance builds on the Temporary Reclamation Manual Release and includes more detailed processes for Reclamation staff to follow.

Q: I have questions or concerns about a title transfer that I have heard is underway. How do I find out more?

A: Reclamation follows rigorous public outreach protocols throughout the title transfer process. The agency also makes relevant analyses and documents available to all stakeholders upon request. Please reach out to your local area or regional office for more information about the title transfer in question.

Q: How do I know that title transfer will not impact power rates?

A: In analyzing a requested title transfer, Reclamation must determine that the conveyance will not adversely impact applicable Federal power rates, repayment obligations, or other project power uses. There is a “hold harmless” clause in the statute that Reclamation must follow. Reclamation also follows rigorous public outreach protocols throughout the title transfer process. Power marketing agencies and power customers will be made aware of relevant title transfers.

Q: I have interests in a facility that is being requested for title transfer by another entity. How do I know that my interests will be protected after title transfer?

A: By statute and agreement, the entity taking title to Reclamation facilities must continue to operate the facilities for substantially the same purposes that it was being operated prior to the transfer. If you're concerned about a transfer that has been requested, though, please reach out to the Region or Area office. Reclamation will make relevant analyses and documents available to all stakeholders upon request. In the Directives and Standards, Reclamation also has a standard to obtain the written concurrence of all entities that are project beneficiaries.