

NEWS BUREAU OF RECLAMATION

Missouri Basin Region
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U.S. Department of the Interior

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RECLAMATION ISSUES REVISED DRAFT RULES IMPLEMENTING SECTION 203(b) OF THE RECLAMATION REFORM ACT; HEARINGS SCHEDULED

The Bureau of Reclamation has issued revised draft rules implementing Section 203(b) of the Reclamation Reform Act of 1982. The rules were published in the Federal Register on November 7, 1986, and now will undergo a 60-day public review and comment period.

Commissioner of Reclamation C. Dale Duvall said the final rules implementing most provisions of the Reclamation Reform Act became effective on January 5, 1984. Those rules, however, did not address Section 203(b), better known as the "hammer clause." Districts and individuals may elect, at any time, to come under the discretionary provisions (Sections 203 through 208) of the Reform Act. However, Section 203(b) provides that, as of April 12, 1987, individuals in nonamending districts who remain under the provisions of prior Reclamation law must pay full cost for water delivered to lands leased in excess of a landholding of 160 acres.

"Because of concerns over contractual rights, the Department of the Interior asked Congress to repeal Section 203(b) in January of 1984," Commissioner Duvall said. "But since the Congress has not done so, the Bureau of Reclamation will implement the hammer clause in 1987 to fulfill this requirement of the law."

To date, approximately 178 (46 percent) of the 386 districts subject to the acreage limitation provisions of Reclamation law have amended their repayment or water service contracts to conform to the discretionary provisions of the Reclamation Reform Act.

Informational workshops followed by public hearings to receive testimony on the revised draft rules will be conducted December 15-17, 1986, in Billings, Montana, and North Platte, Nebraska.

The information workshop in Billings will be at 7 p.m. December 15 in the Rimrock Room of the Northern Hotel. The hearing will follow the next morning (December 16) at 9 a.m. in the same location.

In North Platte the workshop will be conducted December 16 at 7 p.m. in the Buffalo Room of the Holiday Inn. The hearing there will be the next morning (December 17) at 9 a.m. in the same room at the Holiday Inn.

The workshops are designed to provide general information and to give participants the opportunity to ask questions prior to the public hearings.

During the hearings, each speaker will be limited to 10 minutes. Speakers will not be able to trade time in order to make longer presentations but may be granted more time to comment after everyone has been heard. Speakers not present when called will lose their positions. However, they will be recalled upon completion of the scheduled presentations.

To the extent possible, speakers will be scheduled according to the time preference requested. The deadline for such requests will be 2 working days preceding the hearings. Any subsequent requests will be handled on a first-come-first-served basis after the scheduled speakers have completed their remarks.

Copies of the proposed regulations are available from the Bureau's Regional Office in Billings or its Washington, D.C., Office. Interested organizations and individuals wishing to present statements at the Billings or North Platte hearings should contact the Missouri Basin Regional Office, Bureau of Reclamation, P.O. Box 36900, Billings, MT 59107-6900. Phone: (406) 657-6419.

Written comments by those unable to attend and by those wishing to supplement their statements at the hearings should be sent to Phillip Doe, Bureau of Reclamation, E&R Center, Code D-410, P.O. Box 25007, Denver, CO 80225. The comments must be received by January 7, 1987.