

111TH CONGRESS
1ST SESSION

S. 1080

To clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2009

Mr. MCCAIN (for himself and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, 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,*

3 **SECTION 1. LAND WITHDRAWAL AND RESERVATION FOR**
4 **CRAGIN DAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) COVERED LAND.—The term “covered land”
7 means the parcel of land consisting of approximately
8 512 acres that—

1 (A) is located in the Counties of Coconino
2 and Gila, Arizona; and

3 (B) is comprised of—

4 (i) approximately 300 feet of the crest
5 of the Cragin Dam and associated spillway;

6 (ii) the reservoir pool of the Cragin
7 Dam that consists of approximately 250
8 acres; and

9 (iii) the linear corridor and project fa-
10 cilities that—

11 (I) consist of approximately 262
12 acres; and

13 (II) are used for—

14 (aa) access to the Cragin
15 Dam; and

16 (bb) the placement of tun-
17 nels, pipelines, penstocks, and
18 electric transmission lines with
19 respect to the Cragin Dam.

20 (2) CRAGIN DAM.—The term “Cragin Dam”
21 means the C.C. Cragin Dam and Reservoir (includ-
22 ing each water and power facility associated with the
23 C.C. Cragin Dam and Reservoir).

24 (3) DEPARTMENT.—The term “Department”
25 means the Department of the Interior.

1 (4) DISTRICT.—The term “District” means the
2 Salt River Project Agricultural Improvement and
3 Power District.

4 (5) LINEAR CORRIDOR.—The term “linear cor-
5 ridor” means a corridor—

6 (A) the width of which is approximately
7 200 feet;

8 (B) the length of which is approximately
9 11.5 miles;

10 (C) of which approximately 0.7 miles con-
11 sists of an underground tunnel;

12 (D) a portion of which is located in—

13 (i) sec. 31, sec. 32, sec. 33, and sec.
14 34, T. 14 N., R. 11 E.;

15 (ii) sec. 36, T. 14 N., R. 10 E.;

16 (iii) sec. 4, sec. 5, sec. 6, sec. 7, and
17 sec. 8, T. 13 N., R. 11 E.;

18 (iv) sec. 12, sec. 13, sec. 24, sec. 25,
19 sec. 35, and sec. 36, T. 13 N., R. 10 E.;

20 and

21 (v) sec. 1, sec. 11, sec. 12, sec. 14,
22 and sec. 23, T. 12 N., R. 10 E., of the
23 Gila and Salt River Meridians; and

24 (E) as generally depicted on the Map.

1 (6) MAP.—The term “Map” means the map en-
2 titled “C.C. Cragin Dam and Reservoir Land” and
3 dated June 17, 2008.

4 (7) SECRETARY.—The term “Secretary” means
5 the Secretary of Agriculture, acting through the
6 Chief of the Forest Service.

7 (b) WITHDRAWAL OF COVERED LAND.—Subject to
8 valid existing rights, with respect to reclamation, the cov-
9 ered land is permanently withdrawn from all forms of—

10 (1) entry, appropriation, or disposal under the
11 public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) disposition under all laws pertaining to min-
15 eral and geothermal leasing or mineral materials.

16 (c) JURISDICTION OF SECRETARY OF THE INTE-
17 RIOR.—The Secretary of the Interior shall have exclusive
18 jurisdiction—

19 (1) with respect to the covered land withdrawn
20 by subsection (b); and

21 (2) to manage each reclamation project carried
22 out on the covered land in accordance with section
23 213(i) of the Arizona Water Settlements Act (Public
24 Law 108–451; 118 Stat. 3532).

1 (d) RESPONSIBILITY OF SECRETARY OF THE INTE-
2 RIOR AND DISTRICT.—In accordance with paragraphs
3 (4)(B) and (5) of section 213(i) of the Arizona Water Set-
4 tlements Act (Public Law 108–451; 118 Stat. 3533), the
5 Secretary of the Interior and the District shall ensure the
6 compliance of each activity carried out at the Cragin Dam
7 with each applicable Federal law (including regulations).

8 (e) MAP.—

9 (1) IN GENERAL.—As soon as practicable after
10 the date of enactment of this Act, the Secretary of
11 the Interior shall file a copy of the Map with—

12 (A) each appropriate committee of Con-
13 gress;

14 (B) the Secretary;

15 (C) the Governor of the State of Arizona;

16 and

17 (D) the Archivist of the United States.

18 (2) FORCE AND EFFECT.—Each copy of the
19 Map filed under paragraph (1) shall have the same
20 force and effect as if included in this Act, except
21 that the Secretary of the Interior may correct cler-
22 ical and typographical errors in the Map.

23 (f) MANAGEMENT ACTIVITIES ON COVERED LAND.—

24 (1) IN GENERAL.—In accordance with para-
25 graphs (2) and (3), the Secretary of the Interior, in

1 consultation with the District, may enter into a con-
2 tract with the Secretary to carry out management
3 activities on the covered land.

4 (2) REQUIREMENT.—In carrying out a manage-
5 ment activity under paragraph (1), the Secretary
6 shall ensure that the activity does not conflict with,
7 or adversely affect, the operation, maintenance, or
8 repair of the Cragin Dam, as determined by the Sec-
9 retary of the Interior.

10 (3) AUTHORIZED MANAGEMENT ACTIVITIES.—
11 Authorized management activities described in para-
12 graph (1) include any activity agreed to between the
13 Secretary and the Secretary of the Interior, includ-
14 ing, with respect to the Cragin Dam—

15 (A) the management of—

16 (i) recreation;

17 (ii) wildland fire activities;

18 (iii) public conduct and law enforce-
19 ment;

20 (iv) cultural resources; and

21 (v) other resources; and

22 (B) any other appropriate management ac-
23 tivity.

24 (g) ACCESS TO FOREST SERVICE ROADS.—

1 (1) IN GENERAL.—To carry out the operation,
2 maintenance, and repair of the Cragin Dam, the
3 Secretary—

4 (A) shall authorize employees of the De-
5 partment and the District to use certain roads
6 under the jurisdiction of the Forest Service, as
7 determined by the Secretary in coordination
8 with the Secretary of the Interior and the Dis-
9 trict; and

10 (B) may not require any individual de-
11 scribed in subparagraph (A) to apply for, or
12 possess, a permit, license, or other similar docu-
13 ment as a condition for authorization to use
14 any road described in that subparagraph.

15 (2) COMPLIANCE WITH FEDERAL LAWS.—In
16 carrying out an activity described in paragraph (1)
17 through the use of roads authorized under that
18 paragraph, the Department and the District shall
19 comply with each applicable Federal law (including
20 regulations).

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