

Calendar No. 525

111TH CONGRESS
2^D SESSION

S. 1080

[Report No. 111-255]

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

AUGUST 5, 2010

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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:

1 (1) COVERED LAND.—The term “covered land”
 2 means the parcel of land consisting of approximately
 3 ~~512~~ acres that—

4 (A) is located in the Counties of Coconino
 5 and Gila, Arizona; and

6 (B) is comprised of—

7 (i) approximately 300 feet of the crest
 8 of the Cragin Dam and associated spillway;

9 (ii) the reservoir pool of the Cragin
 10 Dam that consists of approximately 250
 11 acres; and

12 (iii) the linear corridor and project fa-
 13 cilities that—

14 (I) consist of approximately 262
 15 acres; and

16 (II) are used for—

17 (aa) access to the Cragin
 18 Dam; and

19 (bb) the placement of tun-
 20 nels, pipelines, penstocks, and
 21 electric transmission lines with
 22 respect to the Cragin Dam.

23 (2) CRAGIN DAM.—The term “Cragin Dam”
 24 means the C.C. Cragin Dam and Reservoir (includ-

1 ing each water and power facility associated with the
2 C.C. Cragin Dam and Reservoir).

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

5 (4) DISTRICT.—The term “District” means the
6 Salt River Project Agricultural Improvement and
7 Power District.

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

10 (A) the width of which is approximately
11 200 feet;

12 (B) the length of which is approximately
13 11.5 miles;

14 (C) of which approximately 0.7 miles con-
15 sists of an underground tunnel;

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

17 (i) sec. 31, sec. 32, sec. 33, and sec.
18 34, T. 14 N., R. 11 E.;

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

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

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

24 and

1 (v) sec. 1, sec. 11, sec. 12, sec. 14,
 2 and sec. 23, T. 12 N., R. 10 E., of the
 3 Gila and Salt River Meridians; and
 4 (E) as generally depicted on the Map.

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

8 (7) SECRETARY.—The term “Secretary” means
 9 the Secretary of Agriculture, acting through the
 10 Chief of the Forest Service.

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

14 (1) entry, appropriation, or disposal under the
 15 public land laws;

16 (2) location, entry, and patent under the mining
 17 laws; and

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

20 (c) JURISDICTION OF SECRETARY OF THE INTE-
 21 RIOR.—The Secretary of the Interior shall have exclusive
 22 jurisdiction—

23 (1) with respect to the covered land withdrawn
 24 by subsection (b); and

1 (2) to manage each reclamation project carried
2 out on the covered land in accordance with section
3 213(i) of the Arizona Water Settlements Act (Public
4 Law 108-451; 118 Stat. 3532).

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

12 (e) MAP.—

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

16 (A) each appropriate committee of Con-
17 gress;

18 (B) the Secretary;

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

20 and

21 (D) the Archivist of the United States.

22 (2) FORCE AND EFFECT.—Each copy of the
23 Map filed under paragraph (1) shall have the same
24 force and effect as if included in this Act, except

1 that the Secretary of the Interior may correct clerical and typographical errors in the Map.

3 (f) MANAGEMENT ACTIVITIES ON COVERED LAND.—

4 (1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary of the Interior, in consultation with the District, may enter into a contract with the Secretary to carry out management activities on the covered land.

9 (2) REQUIREMENT.—In carrying out a management activity under paragraph (1), the Secretary shall ensure that the activity does not conflict with, or adversely affect, the operation, maintenance, or repair of the Cragin Dam, as determined by the Secretary of the Interior.

15 (3) AUTHORIZED MANAGEMENT ACTIVITIES.—Authorized management activities described in paragraph (1) include any activity agreed to between the Secretary and the Secretary of the Interior, including, with respect to the Cragin Dam—

20 (A) the management of—

21 (i) recreation;

22 (ii) wildland fire activities;

23 (iii) public conduct and law enforcement;
24 ment;

25 (iv) cultural resources; and

1 (v) other resources; and

2 (B) any other appropriate management ac-
3 tivity.

4 (g) ACCESS TO FOREST SERVICE ROADS.—

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

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

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

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

1 **SECTION 1. LAND WITHDRAWAL AND RESERVATION FOR**
2 **Cragin Project.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *COVERED LAND.—The term “covered land”*
5 *means the parcel of land consisting of approximately*
6 *512 acres, as generally depicted on the Map, that con-*
7 *sists of—*

8 (A) *approximately 300 feet of the crest of*
9 *the Cragin Dam and associated spillway;*

10 (B) *the reservoir pool of the Cragin Dam*
11 *that consists of approximately 250 acres defined*
12 *by the high water mark; and*

13 (C) *the linear corridor.*

14 (2) *Cragin Project.—The term “Cragin*
15 *Project” means—*

16 (A) *the Cragin Dam and associated spill-*
17 *way;*

18 (B) *the reservoir pool of the Cragin Dam;*
19 *and*

20 (C) *any pipelines, linear improvements,*
21 *buildings, hydroelectric generating facilities,*
22 *priming tanks, transmission, telephone, and fiber*
23 *optic lines, pumps, machinery, tools, appliances,*
24 *and other District or Bureau of Reclamation*
25 *structures and facilities used for the Cragin*
26 *Project.*

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

4 (4) *LAND MANAGEMENT ACTIVITY*.—The term
5 “land management activity” includes, with respect to
6 the covered land, the management of—

7 (A) recreation;

8 (B) grazing;

9 (C) wildland fire;

10 (D) public conduct;

11 (E) commercial activities that are not part
12 of the Cragin Project;

13 (F) cultural resources;

14 (G) invasive species;

15 (H) timber and hazardous fuels;

16 (I) travel;

17 (J) law enforcement; and

18 (K) roads and trails.

19 (5) *LINEAR CORRIDOR*.—The term “linear cor-
20 ridor” means a corridor of land comprising approxi-
21 mately 262 acres—

22 (A) the width of which is approximately
23 200 feet;

24 (B) the length of which is approximately
25 11.5 miles;

1 (C) of which approximately 0.7 miles con-
2 sists of an underground tunnel; and

3 (D) that is generally depicted on the Map.

4 (6) MAP.—The term “Map” means sheets 1 and
5 2 of the maps entitled “C.C. Cragin Project With-
6 drawal” and dated June 17, 2008.

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

10 (b) WITHDRAWAL OF COVERED LAND.—Subject to
11 valid existing rights, the covered land is permanently with-
12 drawn from all forms of—

13 (1) entry, appropriation, or disposal under the
14 public land laws;

15 (2) location, entry, and patent under the mining
16 laws; and

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

19 (c) MAP.—

20 (1) IN GENERAL.—As soon as practicable after
21 the date of enactment of this Act, the Secretary of the
22 Interior, in coordination with the Secretary, shall
23 prepare a map and legal description of the covered
24 land.

1 (2) *FORCE AND EFFECT.*—*The map and legal de-*
2 *scription prepared under paragraph (1) shall have*
3 *the same force and effect as if included in this Act,*
4 *except that the Secretary of the Interior may correct*
5 *clerical and typographical errors.*

6 (3) *AVAILABILITY.*—*The map and legal descrip-*
7 *tion prepared under paragraph (1) shall be on file*
8 *and available for public inspection in the appropriate*
9 *offices of the Forest Service and Bureau of Reclama-*
10 *tion.*

11 (d) *JURISDICTION AND DUTIES.*—

12 (1) *JURISDICTION OF THE SECRETARY OF THE*
13 *INTERIOR.*—

14 (A) *IN GENERAL.*—*Except as provided in*
15 *subsection (e), the Secretary of the Interior, act-*
16 *ing through the Commissioner of Reclamation,*
17 *shall have exclusive administrative jurisdiction*
18 *to manage the Cragin Project in accordance with*
19 *this Act and section 213(i) of the Arizona Water*
20 *Settlements Act (Public Law 108–451; 118 Stat.*
21 *3533) on the covered land.*

22 (B) *INCLUSION.*—*Notwithstanding sub-*
23 *section (e), the jurisdiction under subparagraph*
24 *(A) shall include access to the Cragin Project by*
25 *the District.*

1 (2) *RESPONSIBILITY OF SECRETARY OF THE IN-*
2 *TERIOR AND DISTRICT.*—*In accordance with para-*
3 *graphs (4)(B) and (5) of section 213(i) of the Arizona*
4 *Water Settlements Act (Public Law 108–451; 118*
5 *Stat. 3533), the Secretary of the Interior and the Dis-*
6 *trict shall—*

7 (A) *ensure the compliance of each activity*
8 *carried out at the Cragin Project with each ap-*
9 *plicable Federal environmental law (including*
10 *regulations); and*

11 (B) *coordinate with appropriate Federal*
12 *agencies in ensuring the compliance under sub-*
13 *paragraph (A).*

14 (e) *LAND MANAGEMENT ACTIVITIES ON COVERED*
15 *LAND.*—

16 (1) *IN GENERAL.*—*The Secretary shall have ad-*
17 *ministrative jurisdiction over land management ac-*
18 *tivities on the covered land and other appropriate*
19 *management activities pursuant to an agreement*
20 *under paragraph (2) that do not conflict with, or ad-*
21 *versely affect, the operation, maintenance, or replace-*
22 *ment (including repair) of the Cragin Project, as de-*
23 *termined by the Secretary of the Interior.*

24 (2) *INTERAGENCY AGREEMENT.*—*The Secretary*
25 *and the Secretary of the Interior, in coordination*

1 *with the District, may enter into an agreement under*
2 *which the Secretary may—*

3 *(A) undertake any other appropriate man-*
4 *agement activity in accordance with applicable*
5 *law that will improve the management and safe-*
6 *ty of the covered land and other land managed*
7 *by the Secretary if the activity does not conflict*
8 *with, or adversely affect, the operation, mainte-*
9 *nance, or replacement (including repair) of the*
10 *Cragin Project, as determined by the Secretary*
11 *of the Interior; and*

12 *(B) carry out any emergency activities,*
13 *such as fire suppression, on the covered land.*

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