

## Union Calendar No. 105

112TH CONGRESS  
1ST SESSION

# H. R. 489

[Report No. 112-160]

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

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. GOSAR introduced the following bill; which was referred to the Committee on Natural Resources

JULY 20, 2011

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **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 PROJECT.**

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, as generally depicted on the Map, that  
9 consists of—

10 (A) approximately 300 feet of the crest of  
11 the Cragin Dam and associated spillway;

12 (B) the reservoir pool of the Cragin Dam  
13 that consists of approximately 250 acres de-  
14 fined by the high water mark; and

15 (C) the linear corridor.

16 (2) CRAGIN PROJECT.—The term “Cragin  
17 Project” means—

18 (A) the Cragin Dam and associated spill-  
19 way;

20 (B) the reservoir pool of the Cragin Dam;  
21 and

22 (C) any pipelines, linear improvements,  
23 buildings, hydroelectric generating facilities,  
24 priming tanks, transmission, telephone, and  
25 fiber optic lines, pumps, machinery, tools, appli-

1           ances, and other District or Bureau of Rec-  
2           lamation structures and facilities used for the  
3           Cragin Project.

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

7           (4) LAND MANAGEMENT ACTIVITY.—The term  
8           “land management activity” includes, with respect  
9           to the covered land, the management of—

10                   (A) recreation;

11                   (B) grazing;

12                   (C) wildland fire;

13                   (D) public conduct;

14                   (E) commercial activities that are not part  
15           of the Cragin Project;

16                   (F) cultural resources;

17                   (G) invasive species;

18                   (H) timber and hazardous fuels;

19                   (I) travel;

20                   (J) law enforcement; and

21                   (K) roads and trails.

22           (5) LINEAR CORRIDOR.—The term “linear cor-  
23           ridor” means a corridor of land comprising approxi-  
24           mately 262 acres—

1 (A) the width of which is approximately  
2 200 feet;

3 (B) the length of which is approximately  
4 11.5 miles;

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

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

8 (6) MAP.—The term “Map” means sheets 1  
9 and 2 of the maps entitled “C.C. Cragin Project  
10 Withdrawal” and dated June 17, 2008.

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

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

17 (1) entry, appropriation, or disposal under the  
18 public land laws;

19 (2) location, entry, and patent under the mining  
20 laws; and

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

23 (c) MAP.—

24 (1) IN GENERAL.—As soon as practicable after  
25 the date of enactment of this Act, the Secretary of

1 the Interior, in coordination with the Secretary, shall  
2 prepare a map and legal description of the covered  
3 land.

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

9 (3) AVAILABILITY.—The map and legal descrip-  
10 tion prepared under paragraph (1) shall be on file  
11 and available for public inspection in the appropriate  
12 offices of the Forest Service and Bureau of Rec-  
13 lamation.

14 (d) JURISDICTION AND DUTIES.—

15 (1) JURISDICTION OF THE SECRETARY OF THE  
16 INTERIOR.—

17 (A) IN GENERAL.—Except as provided in  
18 subsection (e), the Secretary of the Interior,  
19 acting through the Commissioner of Reclama-  
20 tion, shall have exclusive administrative juris-  
21 diction to manage the Cragin Project in accord-  
22 ance with this Act and section 213(i) of the Ar-  
23 izona Water Settlements Act (Public Law 108–  
24 451; 118 Stat. 3533) on the covered land.

1 (B) INCLUSION.—Notwithstanding sub-  
2 section (e), the jurisdiction under subparagraph  
3 (A) shall include access to the Cragin Project  
4 by the District.

5 (2) RESPONSIBILITY OF SECRETARY OF THE  
6 INTERIOR AND DISTRICT.—In accordance with para-  
7 graphs (4)(B) and (5) of section 213(i) of the Ari-  
8 zona Water Settlements Act (Public Law 108–451;  
9 118 Stat. 3533), the Secretary of the Interior and  
10 the District shall—

11 (A) ensure the compliance of each activity  
12 carried out at the Cragin Project with each ap-  
13 plicable Federal environmental law (including  
14 regulations); and

15 (B) coordinate with appropriate Federal  
16 agencies in ensuring the compliance under sub-  
17 paragraph (A).

18 (e) LAND MANAGEMENT ACTIVITIES ON COVERED  
19 LAND.—

20 (1) IN GENERAL.—The Secretary shall have ad-  
21 ministrative jurisdiction over land management ac-  
22 tivities on the covered land and other appropriate  
23 management activities pursuant to an agreement  
24 under paragraph (2) that do not conflict with, or ad-  
25 versely affect, the operation, maintenance, or re-

1 placement (including repair) of the Cragin Project,  
2 as determined by the Secretary of the Interior.

3 (2) INTERAGENCY AGREEMENT.—The Secretary  
4 and the Secretary of the Interior, in coordination  
5 with the District, may enter into an agreement  
6 under which the Secretary may—

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

16 (B) carry out any emergency activities,  
17 such as fire suppression, on the covered land.



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