

Calendar No. 128

112TH CONGRESS
1ST SESSION

S. 201

[Report No. 112-48]

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

JANUARY 26, 2011

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 30 (legislative day, AUGUST 2), 2011

Reported under authority of the order of the Senate of August 2, 2011, by Mr. BINGAMAN, without amendment

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:

1 (1) COVERED LAND.—The term “covered land”
2 means the parcel of land consisting of approximately
3 512 acres, as generally depicted on the Map, that
4 consists of—

5 (A) approximately 300 feet of the crest of
6 the Cragin Dam and associated spillway;

7 (B) the reservoir pool of the Cragin Dam
8 that consists of approximately 250 acres de-
9 fined by the high water mark; and

10 (C) the linear corridor.

11 (2) CRAGIN PROJECT.—The term “Cragin
12 Project” means—

13 (A) the Cragin Dam and associated spill-
14 way;

15 (B) the reservoir pool of the Cragin Dam;
16 and

17 (C) any pipelines, linear improvements,
18 buildings, hydroelectric generating facilities,
19 priming tanks, transmission, telephone, and
20 fiber optic lines, pumps, machinery, tools, appli-
21 ances, and other District or Bureau of Rec-
22 lamation structures and facilities used for the
23 Cragin 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
6 to 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
5 and 2 of the maps entitled “C.C. Cragin Project
6 Withdrawal” and dated June 17, 2008.

7 (7) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture, acting through the
9 Chief 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
22 the 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
2 description 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 Rec-
10 lamation.

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,
16 acting through the Commissioner of Reclama-
17 tion, shall have exclusive administrative juris-
18 diction to manage the Cragin Project in accord-
19 ance with this Act and section 213(i) of the Ar-
20 izona Water Settlements Act (Public Law 108–
21 451; 118 Stat. 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
25 by the District.

1 (2) RESPONSIBILITY OF SECRETARY OF THE
2 INTERIOR AND DISTRICT.—In accordance with para-
3 graphs (4)(B) and (5) of section 213(i) of the Ari-
4 zona Water Settlements Act (Public Law 108–451;
5 118 Stat. 3533), the Secretary of the Interior and
6 the District 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 re-
22 placement (including repair) of the Cragin Project,
23 as determined 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
2 under 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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