

June 26, 2014

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Sent via email

Dear Sirs and Madams:

The Nature Conservancy supports sections of S. 2503 and HR 4924, the Big Sandy River- Planet Ranch Water Rights Settlement Agreement, as outlined below. We thank you all for your leadership and support of this important issue. This can serve as a model for how water agreements can benefit both people and nature. It is powerful to have our entire delegation as co-sponsors of this legislation.

The Nature Conservancy (TNC) is an international, nonprofit organization dedicated to the conservation of biological diversity. Our mission is to conserve the lands and waters on which all life depends. Our on-the-ground conservation work is carried out in all 50 states and in more than 30 foreign countries and is supported by approximately one million individual members. We have helped conserve nearly 15 million acres of land in the United States and Canada and more than 102 million acres with local partner organizations globally.

The Conservancy owns and manages approximately 1,400 preserves throughout the United States—the largest private system of nature sanctuaries in the world. We recognize, however, that our mission cannot be achieved by core protected areas alone. Therefore, our projects increasingly seek to accommodate compatible human uses, and especially in the developing world, to address sustained human well-being.

In Arizona, The Nature Conservancy has created a dozen nature preserves and developed new funding sources for conservation throughout the state. In this capacity, TNC has been a long running member of the Bill Williams River Corridor Steering Committee in Arizona. This partnership effort has members with diverse management concerns and responsibilities, all tied to a unique tributary of the lower Colorado River

The committee serves as a venue to address a wide range of matters, from the Army Corps' operation of their Alamo Dam facility to the issues associated with the Planet Ranch property, and strives to produce solutions built on consensus and inclusivity.

It was within the Steering Committee's discussions that TNC developed our position on Planet Ranch in terms of its ownership and water rights uses. It is only these areas of the proposed Congressional legislation that we are expressing support and comments on proposed legislative action. We are very supportive of gaining certainty through this agreement for all involved and are supportive of Freeport McMoRan's (Freeport) efforts to do the same.

The Bill Williams River watershed contains large unfragmented lands and significant biological diversity for the state of Arizona. It sits at the intersection of three arid regions – Sonoran Desert, Mohave Desert, and Colorado Plateau – yet includes more than 150 miles of perennial streams and rivers. These streams support nine native fish species and more than 340 bird species, and the watershed provides habitat for at least ten globally rare species. Extensive riparian forests of cottonwood, willow, and mesquite line the rivers and include the largest and healthiest remnant of the vegetation that once characterized the banks of the lower Colorado River.

The purchase of Planet Ranch by Freeport in late 2011 from the City of Scottsdale provides the opportunity for significant benefits to all parties and the public by providing more certainty with respect to water rights in the watershed and that Planet Ranch will be owned by the State of Arizona and used permanently for habitat purposes in preserving a natural ecosystem.

We support the sections of the proposed legislation that would accomplish the following:

- Portions of Planet Ranch are transferred to the Arizona Game & Fish Department
- One-third of Planet Ranch water rights are transferred to Arizona Game and Fish in an equitable manner
- Freeport commits, in perpetuity, to no increases in water use for the Wikieup Wellfield, and to regular verification of this agreement and suitable repercussions for failure to follow it, in a way acceptable to the United States Fish & Wildlife Service and the Arizona Game & Fish Department
- Federal Government to remove its objections at Arizona Department of Water Resources to the Planet Ranch water transfer
- Credit to the Lower Colorado River Multispecies Conservation Program (MSCP) for the new riparian habitat created by the project

We understand there is a study of the Hualapai Tribe water claims currently underway, and we urge future action to provide for the settlement and legislative confirmation of the Federal reserved water rights for the Bill Williams River National Wildlife Refuge.

Separate and apart from Congressional action, The Conservancy wants to continue a dialogue with Freeport to address issues outside of legislative action including:

- Disposition of the remaining water rights when the Bagdad mine is no longer in operation; and
- Use of the remaining water rights associated with Planet and Lincoln Ranches.

Thank you again for the opportunity for us to discuss and assist in passage of this important action.

Please do not hesitate to contact me or Cheryl Lombard at 602.322.6986 if you have any questions.

Sincerely,



Patrick Graham  
State Director

Cc: US Fish & Wildlife Service  
Arizona Game & Fish Department  
Francis McAllister, Jr.