

June 13, 2011

U.S. House of Representatives Natural Resources Committee
Subcommittee on National Parks, Forests & Public Lands
ATTN: James Streeter & David Watkins
Washington, DC 20515
Sent via email

Re: H.R. 1904 "Southeast Arizona Land Exchange and Conservation Act of 2011"

Dear Mr. Streeter & Mr. Watkins:

Thank you for the opportunity to comment on H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011 (hereinafter "bill"). At the present time, The Nature Conservancy has no formal position on this legislation. Instead, this letter is meant to outline the Conservancy's concerns and questions on the bill and also bring your attention to the important conservation value of "the approximately 3,050 acres of land located in Pinal County, Arizona", known as "Seven B", as part of the federal acquisition for conservation purposes.

The Nature Conservancy is an international, nonprofit organization dedicated to the conservation of biological diversity. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. 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. One main focus of our work has been to protect one of the last few remaining undammed rivers in the State of Arizona, the San Pedro River. The "Seven B" property contains nearly 7 miles of the lower San Pedro River as well as over 800 acres of ancient intact mesquite bosque representing what is probably the largest old-growth mesquite forest remaining in Arizona. As early as 1974, an Arizona Academy of Science report called for preserving the bosque as a scientific and educational natural area, and subsequent analyses by The Nature Conservancy and others have affirmed its conservation value. In addition to the mesquite bosque and river corridor, the Seven B contains an artesian well that has the potential for providing a recovery site for endangered desert fish species. Therefore, we support the federal acquisition of this parcel for conservation purposes.

However, the conservation values of the Seven B property exist only in the context of an ability to maintain the natural functioning of the larger San Pedro River ecosystem. We have concerns which bear on the property's future viability:

(1) The Seven B property is downstream and immediately adjacent to a proposed land development on the San Pedro River by BHP Billiton in and around the Town of San Manuel, Arizona. This upstream and immediately adjacent land is not part of the legislation; however, water use and other effects of a large-scale development would likely impact the ecological integrity of the Seven B and hence its value as an acquisition for conservation purposes. Our concerns about these impacts would be minimized if BHP's riparian lands were included in the exchange package, or otherwise permanently set aside from development, and if a fair and reasonable cap on water use in the proposed development were negotiated.

We also would recommend consideration of other general issues related to this bill:

(1) We urge the parties to provide for a fair and transparent appraisal process.

(2) We seek certainty as to the water withdrawals from the activities associated with the bill so as to better understand the potential effects on other conservation areas in the vicinity of Superior. Without these certainties the conservation values and San Pedro Riparian National Conservation Area is threatened as to its viability and Federal tax dollars investment.

(3) We would also like to see the language in Sec. 4(e)(2) amended to add the disposition of these funds shall be "consistent with the purposes of this Act" at the end of page 9, line 23.


(4) We support the inclusion in Sec. 6(d)(2) the ability to provide funding for the management and protection of lands acquired by the federal government by this legislation. We believe this is important for the lands provided to the federal government by this legislation to have an endowment to provide for their management. It is not uncommon to have such a practice in administrative transactions with the federal government.

We do want to thank Resolution Copper once again for opening a dialogue with BHP Billiton to discuss the future of the adjoining lands; however, the future of those lands is unknown. Therefore, the Conservancy will continue to monitor and reflect on our continuing support of the "Seven B" for federal acquisition for its conservation purposes.

Thank you again for the opportunity for us to discuss our concerns and conservation values associated with the legislation. We do have an open dialogue with Resolution Copper and Members of the Arizona Congressional Delegation. We look forward to continuing to discuss the items outlined in this letter as this important legislation is debated in the U.S. Congress.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Patrick Graham
State Director

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Cc: Senator John McCain
Senator Jon Kyl
Congressman Ed Pastor
Congressman Jeff Flake
Congressman Trent Franks
Congressman Raul Grijalva
Congresswoman Gabrielle Giffords
Congressman Paul Gosar
Congressman Ben Quayle
Congressman David Schweikert
Jon Cherry, Resolution Copper