

February 7, 2012

Senate Committee on Energy & Natural Resources  
ATTN: David Brooks & Frank Gladics  
Washington, DC 20510  
Sent via email

Dear Mr. Brooks & Mr. Gladics:

Thank you for the opportunity to comment on H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011 (hereinafter “bill”). The Nature Conservancy has no formal position on this legislation. Instead, this letter is meant to outline 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.

Furthermore, the bill expands the San Pedro National Conservation Area to include the Seven B on the lower San Pedro River. It will greatly assist the parties that share a vision for the long-term protection and enhancement of the river's natural values.

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 thank Resolution Copper for opening a dialogue with its partner on the mine, BHP Billiton, to discuss the future of the lands owned by BHP Billiton adjoining the "Seven B" to ensure their permanent protection. These discussions are ongoing. As well, Resolution Copper has brought together other nearby landowners on lower San Pedro River to discuss long-term strategies for the health of the river.

In addition, 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 must point out one item that needs further clarity in HR 1904. On page 8 of House Report 112-246 for the bill, it states the addition of the Seven B "... would fully complete the San Pedro Conservation area." This is not a correct statement and we request a technical correction of the report to reflect this inaccuracy.

Thank you again for the opportunity for us to discuss the 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 continues in the U.S. Congress.

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

Sincerely,

A handwritten signature in black ink that reads "Patrick Graham". The signature is written in a cursive, slightly stylized font.

Patrick Graham  
State Director

Cc: Senator Jon Kyl  
Senator John McCain  
Congressman Jeff Flake  
Congressman Trent Franks  
Congressman Raul Grijalva  
Congressman Paul Gosar  
Congressman Ben Quayle  
Congressman David Schweikert  
Ms. Mary Wagner, Associate Chief, Forest Service, Department of Agriculture

Mr. Ned Farquhar, Deputy Assistant Secretary, Land and Minerals Management, Department of Interior

Mr. Jon Cherry, Resolution Copper