

111TH CONGRESS
1ST SESSION

S. 40

A bill to designate Fossil Creek, a tributary of the Verde River in the State of Arizona, as a component of the National Wild and Scenic Rivers System.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

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

A BILL

A bill to designate Fossil Creek, a tributary of the Verde River in the State of Arizona, as a component of the National Wild and Scenic Rivers System.

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. SHORT TITLE.**

4 This Act may be cited as the “Fossil Creek Wild and
5 Scenic River Act”.

1 **SEC. 2. DESIGNATION OF WILD AND SCENIC RIVER SEG-**
2 **MENTS.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16
4 U.S.C. 1274(a)) is amended by adding at the end the fol-
5 lowing:

6 “(171) FOSSIL CREEK, ARIZONA.—Approxi-
7 mately 16.8 miles of Fossil Creek from the con-
8 fluence of Sand Rock and Calf Pen Canyons to the
9 confluence with the Verde River, to be administered
10 by the Secretary of Agriculture in the following
11 classes:

12 “(A) The approximately 2.7-mile segment
13 from the confluence of Sand Rock and Calf Pen
14 Canyons to the point where the segment exits
15 the Fossil Spring Wilderness, as a wild river.

16 “(B) The approximately 7.5-mile segment
17 from where the segment exits the Fossil Creek
18 Wilderness to the boundary of the Mazatzal
19 Wilderness, as a recreational river.

20 “(C) The 6.6-mile segment from the
21 boundary of the Mazatzal Wilderness down-
22 stream to the confluence with the Verde River,
23 as a wild river.”.

24 **SEC. 3. RESTORATION ACTIVITIES.**

25 (a) ARIZONA PUBLIC SERVICE COMPANY.—Without
26 further consultation under section 7 of the Wild and Sce-

1 nic Rivers Act (16 U.S.C. 1278), Arizona Public Service
2 Company, the former licensee for the Childs-Irving Hydro-
3 electric Project (FERC project number 2069), may con-
4 duct project decommissioning and restoration activities
5 agreed to in the surrender application and relevant dock-
6 eted filings with the Federal Energy Regulatory Commis-
7 sion.

8 (b) FEDERAL AND STATE AGENCIES.—Federal and
9 State agencies may conduct native fish restoration and
10 barrier maintenance activities in accordance with the En-
11 vironmental Assessment, Decision Notice, and Finding of
12 No Significant Impact for the document entitled “Native
13 Fish Restoration in Fossil Creek” and dated 2004.

14 **SEC. 4. STREAM MONITORING.**

15 Notwithstanding the amendment made by section 2,
16 the United States Geological Survey or any other entity
17 that has been given written permission for the activity
18 from the Secretary of Agriculture may undertake any nec-
19 essary activities, including access by any existing road, to
20 install, operate, maintain, or otherwise manage 1 or more
21 stream flow gauges in Fossil Creek in cooperation with
22 the Forest Service for the purpose of monitoring and col-
23 lecting stream flow and other water resource information.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums

3 as are necessary to carry out this Act.

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