

112TH CONGRESS
1ST SESSION

H. R. 1904

To facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2011

Mr. GOSAR (for himself, Mr. FRANKS of Arizona, Mr. QUAYLE, Mr. FLAKE, and Mr. SCHWEIKERT) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, 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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Southeast Arizona Land Exchange and Conservation Act
6 of 2011”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Land exchange.
- Sec. 5. Conveyance and management of non-Federal land.
- Sec. 6. Value adjustment payment to United States.
- Sec. 7. Withdrawal.
- Sec. 8. Apache leap.
- Sec. 9. Conveyances to town of Superior, Arizona.
- Sec. 10. Miscellaneous provisions.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the land exchange furthers public objectives
4 referenced in section 206 of the Federal Land Policy
5 and Management Act of 1976 (43 U.S.C. 1716) in-
6 cluding—

7 (A) promoting significant job and other
8 economic opportunities in a part of the State of
9 Arizona that has a long history of mining, but
10 is currently experiencing high unemployment
11 rates and economic difficulties;

12 (B) facilitating the development of a world-
13 class domestic copper deposit capable of meet-
14 ing a significant portion of the annual United
15 States demand for this strategic and important
16 mineral, in an area which has already been sub-
17 ject to mining operations;

18 (C) significantly enhancing Federal, State,
19 and local revenue collections in a time of severe
20 governmental budget shortfalls;

1 (D) securing Federal ownership and pro-
2 tection of land with significant fish and wildlife,
3 recreational, scenic, water, riparian, cultural,
4 and other public values;

5 (E) assisting more efficient Federal land
6 management via Federal acquisition of land for
7 addition to the Las Cienegas and San Pedro
8 Riparian National Conservation Areas, and to
9 the Tonto and Coconino National Forests;

10 (F) providing opportunity for community
11 expansion and economic diversification adjacent
12 to the towns of Superior, Miami, and Globe, Ar-
13 izona; and

14 (G) protecting the cultural resources and
15 other values of the Apache Leap escarpment lo-
16 cated near Superior, Arizona; and

17 (2) the land exchange is, therefore, in the pub-
18 lic interest.

19 (b) PURPOSE.—It is the purpose of this Act to au-
20 thorize, direct, facilitate, and expedite the exchange of
21 land between Resolution Copper and the United States.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) APACHE LEAP.—The term “Apache Leap”
25 means the approximately 822 acres of land depicted

1 on the map entitled “Apache Leap” and dated
2 March 2011.

3 (2) FEDERAL LAND.—The term “Federal land”
4 means the approximately 2,422 acres of land located
5 in Pinal County, Arizona, depicted on the map enti-
6 tled “Southeast Arizona Land Exchange and Con-
7 servation Act of 2011—Federal Parcel—Oak Flat”
8 and dated March 2011.

9 (3) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given the term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 450b).

13 (4) NON-FEDERAL LAND.—The term “non-Fed-
14 eral land” means the parcels of land owned by Reso-
15 lution Copper that are described in section 5(a) and,
16 if necessary to equalize the land exchange under sec-
17 tion 4, section 4(e)(2)(A)(i).

18 (5) OAK FLAT CAMPGROUND.—The term “Oak
19 Flat Campground” means the approximately 50
20 acres of land comprising approximately 16 developed
21 campsites depicted on the map entitled “Oak Flat
22 Campground” and dated March 2011.

23 (6) OAK FLAT WITHDRAWAL AREA.—The term
24 “Oak Flat Withdrawal Area” means the approxi-
25 mately 760 acres of land depicted on the map enti-

1 tled “Oak Flat Withdrawal Area” and dated March
2 2011.

3 (7) RESOLUTION COPPER.—The term “Resolu-
4 tion Copper” means Resolution Copper Mining,
5 LLC, a Delaware limited liability company, includ-
6 ing any successor, assign, affiliate, member, or joint
7 venturer of Resolution Copper Mining, LLC.

8 (8) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

10 (9) STATE.—The term “State” means the State
11 of Arizona.

12 (10) TOWN.—The term “Town” means the in-
13 corporated town of Superior, Arizona.

14 **SEC. 4. LAND EXCHANGE.**

15 (a) IN GENERAL.—Subject to the provisions of this
16 Act, if Resolution Copper offers to convey to the United
17 States all right, title, and interest of Resolution Copper
18 in and to the non-Federal land, the Secretary is authorized
19 and directed to convey to Resolution Copper, all right,
20 title, and interest of the United States in and to the Fed-
21 eral land.

22 (b) CONDITIONS ON ACCEPTANCE.—Title to any non-
23 Federal land conveyed by Resolution Copper to the United
24 States under this Act shall be in a form that—

1 (1) is acceptable to the Secretary, for land to
2 be administered by the Forest Service and the Sec-
3 retary of the Interior, for land to be administered by
4 the Bureau of Land Management; and

5 (2) conforms to the title approval standards of
6 the Attorney General of the United States applicable
7 to land acquisitions by the Federal Government.

8 (c) CONSULTATION WITH INDIAN TRIBES.—If not
9 undertaken prior to enactment of this Act, within 30 days
10 of the date of enactment of this Act, the Secretary shall
11 engage in government-to-government consultation with af-
12 fected Indian tribes concerning issues related to the land
13 exchange, in accordance with applicable laws (including
14 regulations).

15 (d) APPRAISALS.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date of enactment of this Act, the Secretary and
18 Resolution Copper shall select an appraiser to con-
19 duct appraisals of the Federal land and non-Federal
20 land.

21 (2) REQUIREMENTS.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), an appraisal prepared under
24 this subsection shall be conducted in accordance

1 with nationally recognized appraisal standards,
2 including—

3 (i) the Uniform Appraisal Standards
4 for Federal Land Acquisitions; and

5 (ii) the Uniform Standards of Profes-
6 sional Appraisal Practice.

7 (B) FINAL APPRAISED VALUE.—After the
8 final appraised values of the Federal land and
9 non-Federal land are determined and approved
10 by the Secretary, the Secretary shall not be re-
11 quired to reappraise or update the final ap-
12 praised value—

13 (i) for a period of 3 years beginning
14 on the date of the approval by the Sec-
15 retary of the final appraised value; or

16 (ii) at all, in accordance with section
17 254.14 of title 36, Code of Federal Regula-
18 tions (or a successor regulation), after an
19 exchange agreement is entered into by Res-
20 olution Copper and the Secretary.

21 (C) IMPROVEMENTS.—Any improvements
22 made by Resolution Copper prior to entering
23 into an exchange agreement shall not be in-
24 cluded in the appraised value of the Federal
25 land.

1 (D) PUBLIC REVIEW.—Before consum-
2 mating the land exchange under this Act, the
3 Secretary shall make the appraisals of the land
4 to be exchanged (or a summary thereof) avail-
5 able for public review.

6 (3) APPRAISAL INFORMATION.—The appraisal
7 prepared under this subsection shall include a de-
8 tailed income capitalization approach analysis of the
9 market value of the Federal land which may be uti-
10 lized, as appropriate, to determine the value of the
11 Federal land, and shall be the basis for calculation
12 of any payment under section 6.

13 (e) EQUAL VALUE LAND EXCHANGE.—

14 (1) IN GENERAL.—The value of the Federal
15 land and non-Federal land to be exchanged under
16 this Act shall be equal or shall be equalized in ac-
17 cordance with this subsection.

18 (2) SURPLUS OF FEDERAL LAND VALUE.—

19 (A) IN GENERAL.—If the final appraised
20 value of the Federal land exceeds the value of
21 the non-Federal land, Resolution Copper
22 shall—

23 (i) convey additional non-Federal land
24 in the State to the Secretary or the Sec-
25 retary of the Interior, consistent with the

1 requirements of this Act and subject to the
2 approval of the applicable Secretary;

3 (ii) make a cash payment to the
4 United States; or

5 (iii) use a combination of the methods
6 described in clauses (i) and (ii), as agreed
7 to by Resolution Copper, the Secretary,
8 and the Secretary of the Interior.

9 (B) AMOUNT OF PAYMENT.—The Sec-
10 retary may accept a payment in excess of 25
11 percent of the total value of the land or inter-
12 ests conveyed, notwithstanding section 206(b)
13 of the Federal Land Policy and Management
14 Act of 1976 (43 U.S.C. 1716(b)).

15 (C) DISPOSITION AND USE OF PRO-
16 CEEDS.—Any amounts received by the United
17 States under this subparagraph shall be depos-
18 ited in the fund established under Public Law
19 90–171 (commonly known as the “Sisk Act”;
20 16 U.S.C. 484a) and shall be made available to
21 the Secretary for the acquisition of land for ad-
22 dition to the National Forest System.

23 (3) SURPLUS OF NON-FEDERAL LAND.—If the
24 final appraised value of the non-Federal land ex-
25 ceeds the value of the Federal land—

1 (A) the United States shall not make a
2 payment to Resolution Copper to equalize the
3 value; and

4 (B) except as provided in section
5 9(b)(2)(B), the surplus value of the non-Fed-
6 eral land shall be considered to be a donation
7 by Resolution Copper to the United States.

8 (f) OAK FLAT WITHDRAWAL AREA.—

9 (1) PERMITS.—Subject to the provisions of this
10 subsection and notwithstanding any withdrawal of
11 the Oak Flat Withdrawal Area from the mining,
12 mineral leasing, or public land laws, the Secretary,
13 upon enactment of this Act, shall issue to Resolution
14 Copper—

15 (A) if so requested by Resolution Copper,
16 within 30 days of such request, a special use
17 permit to carry out mineral exploration activi-
18 ties under the Oak Flat Withdrawal Area from
19 existing drill pads located outside the Area, if
20 the activities would not disturb the surface of
21 the Area; and

22 (B) if so requested by Resolution Copper,
23 within 90 days of such request, a special use
24 permit to carry out mineral exploration activi-
25 ties within the Oak Flat Withdrawal Area (but

1 not within the Oak Flat Campground), if the
2 activities are conducted from a single explor-
3 atory drill pad which is located to reasonably
4 minimize visual and noise impacts on the
5 Campground.

6 (2) CONDITIONS.—Any activities undertaken in
7 accordance with this subsection shall be subject to
8 such reasonable terms and conditions as the Sec-
9 retary may require.

10 (3) TERMINATION.—The authorization for Res-
11 olution Copper to undertake mineral exploration ac-
12 tivities under this subsection shall remain in effect
13 until the Oak Flat Withdrawal Area land is con-
14 veyed to Resolution Copper in accordance with this
15 Act.

16 (g) COSTS.—As a condition of the land exchange
17 under this Act, Resolution Copper shall agree to pay, with-
18 out compensation, all costs that are—

19 (1) associated with the land exchange; and

20 (2) agreed to by the Secretary.

21 (h) USE OF FEDERAL LAND.—The Federal land to
22 be conveyed to Resolution Copper under this Act shall be
23 available to Resolution Copper for mining and related ac-
24 tivities subject to and in accordance with applicable Fed-

1 eral, State, and local laws pertaining to mining and related
2 activities on land in private ownership.

3 (i) INTENT OF CONGRESS.—It is the intent of Con-
4 gress that the land exchange directed by this Act shall
5 be consummated not later than one year after the date
6 of enactment of this Act.

7 (j) ENVIRONMENTAL COMPLIANCE.—Compliance
8 with the requirements of the National Environmental Pol-
9 icy (42 U.S.C. 3421 et seq.) under this Act shall be as
10 follows:

11 (1) Prior to commencing production in commer-
12 cial quantities of any valuable mineral from the Fed-
13 eral land conveyed to Resolution Copper under this
14 Act (except for any production from exploration and
15 mine development shafts, adits, and tunnels needed
16 to determine feasibility and pilot plant testing of
17 commercial production or to access the ore body and
18 tailing deposition areas), Resolution Copper shall
19 submit to the Secretary a proposed mine plan of op-
20 erations.

21 (2) The Secretary shall, within 3 years of such
22 submission, complete preparation of an environ-
23 mental review document in accordance with section
24 102(2) of the National Environmental Policy Act of
25 1969 (42 U.S.C. 4322(2)) which shall be used as

1 the basis for all decisions under applicable Federal
2 laws, rules and regulations regarding any Federal
3 actions or authorizations related to the proposed
4 mine and mine plan of operations of Resolution Cop-
5 per, including the construction of associated power,
6 water, transportation, processing, tailings, waste
7 dump, and other ancillary facilities.

8 **SEC. 5. CONVEYANCE AND MANAGEMENT OF NON-FEDERAL**
9 **LAND.**

10 (a) CONVEYANCE.—On receipt of title to the Federal
11 land, Resolution Copper shall simultaneously convey—

12 (1) to the Secretary, all right, title, and interest
13 that the Secretary determines to be acceptable in
14 and to—

15 (A) the approximately 147 acres of land lo-
16 cated in Gila County, Arizona, depicted on the
17 map entitled “Southeast Arizona Land Con-
18 servation Act of 2011–Non-Federal Parcel–Tur-
19 key Creek” and dated March 2011;

20 (B) the approximately 148 acres of land
21 located in Yavapai County, Arizona, depicted on
22 the map entitled “Southeast Arizona Land Con-
23 servation Act of 2011–Non-Federal Parcel–
24 Tangle Creek” and dated March 2011;

1 (C) the approximately 149 acres of land lo-
2 cated in Maricopa County, Arizona, depicted on
3 the map entitled “Southeast Arizona Land Con-
4 servation Act of 2011–Non-Federal Parcel–
5 Cave Creek” and dated March 2011;

6 (D) the approximately 640 acres of land
7 located in Coconino County, Arizona, depicted
8 on the map entitled “Southeast Arizona Land
9 Exchange and Conservation Act of 2011–Non-
10 Federal Parcel–East Clear Creek” and dated
11 March 2011; and

12 (E) the approximately 110 acres of land
13 located in Pinal County, Arizona, depicted on
14 the map entitled “Southeast Arizona Land Con-
15 servation Act of 2011–Non-Federal Parcel–
16 Apache Leap South End” and dated March
17 2011; and

18 (2) to the Secretary of the Interior, all right,
19 title, and interest that the Secretary of the Interior
20 determines to be acceptable in and to—

21 (A) the approximately 3,050 acres of land
22 located in Pinal County, Arizona, identified as
23 “Lands to DOI” as generally depicted on the
24 map entitled “Lower San Pedro River” and
25 dated March 2011;

1 (B) the approximately 160 acres of land
2 located in Gila and Pinal Counties, Arizona,
3 identified as “Lands to DOI” as generally de-
4 picted on the map entitled “Dripping Springs”
5 and dated March 2011; and

6 (C) the approximately 940 acres of land lo-
7 cated in Santa Cruz County, Arizona, identified
8 as “Lands to DOI” as generally depicted on the
9 map entitled “Appleton Ranch” and dated
10 March 2011.

11 (b) MANAGEMENT OF ACQUIRED LAND.—

12 (1) LAND ACQUIRED BY THE SECRETARY.—

13 (A) IN GENERAL.—Land acquired by the
14 Secretary under this Act shall—

15 (i) become part of the national forest
16 in which the land is located; and

17 (ii) be administered in accordance
18 with the laws applicable to the National
19 Forest System.

20 (B) BOUNDARY REVISION.—On the acqui-
21 sition of land by the Secretary under this Act,
22 the boundaries of the national forest shall be
23 modified to reflect the inclusion of the acquired
24 land.

1 (C) LAND AND WATER CONSERVATION
2 FUND.—For purposes of section 7 of the Land
3 and Water Conservation Fund Act of 1965 (16
4 U.S.C. 4601–9), the boundaries of a national
5 forest in which land acquired by the Secretary
6 is located shall be deemed to be the boundaries
7 of that forest as in existence on January 1,
8 1965.

9 (2) LAND ACQUIRED BY THE SECRETARY OF
10 THE INTERIOR.—

11 (A) SAN PEDRO RIPARIAN NATIONAL CON-
12 SERVATION AREA.—

13 (i) IN GENERAL.—The land acquired
14 by the Secretary of the Interior under sub-
15 section (a)(2)(A) shall be added to, and
16 administered as part of, the San Pedro Ri-
17 parian National Conservation Area in ac-
18 cordance with the laws (including regula-
19 tions) applicable to the Conservation Area.

20 (ii) MANAGEMENT PLAN.—Not later
21 than 2 years after the date on which the
22 land is acquired, the Secretary of the Inte-
23 rior shall update the management plan for
24 the San Pedro Riparian National Con-

1 ervation Area to reflect the management
2 requirements of the acquired land.

3 (B) DRIPPING SPRINGS.—Land acquired
4 by the Secretary of the Interior under sub-
5 section (a)(2)(B) shall be managed in accord-
6 ance with the Federal Land Policy and Man-
7 agement Act of 1976 (43 U.S.C. 1701 et seq.)
8 and applicable land use plans.

9 (C) LAS CIENEGAS NATIONAL CONSERVA-
10 TION AREA.—Land acquired by the Secretary of
11 the Interior under subsection (a)(2)(C) shall be
12 added to, and administered as part of, the Las
13 Cienegas National Conservation Area in accord-
14 ance with the laws (including regulations) appli-
15 cable to the Conservation Area.

16 (c) SURRENDER OF RIGHTS.—In addition to the con-
17 veyance of the non-Federal land to the United States
18 under this Act, and as a condition of the land exchange,
19 Resolution Copper shall surrender to the United States,
20 without compensation, the rights held by Resolution Cop-
21 per under the mining laws and other laws of the United
22 States to commercially extract minerals under Apache
23 Leap.

24 **SEC. 6. VALUE ADJUSTMENT PAYMENT TO UNITED STATES.**

25 (a) ANNUAL PRODUCTION REPORTING.—

1 (1) REPORT REQUIRED.—As a condition of the
2 land exchange under this Act, Resolution Copper
3 shall submit to the Secretary of the Interior an an-
4 nual report indicating the quantity of locatable min-
5 erals produced during the preceding calendar year in
6 commercial quantities from the Federal land con-
7 veyed to Resolution Copper under section 4. The
8 first report is required to be submitted not later
9 than February 15 of the first calendar year begin-
10 ning after the date of commencement of production
11 of valuable locatable minerals in commercial quan-
12 tities from such Federal land. The reports shall be
13 submitted February 15 of each calendar year there-
14 after.

15 (2) SHARING REPORTS WITH STATE.—The Sec-
16 retary shall make each report received under para-
17 graph (1) available to the State.

18 (3) REPORT CONTENTS.—The reports under
19 paragraph (1) shall comply with any recordkeeping
20 and reporting requirements prescribed by the Sec-
21 retary or required by applicable Federal laws in ef-
22 fect at the time of production.

23 (b) PAYMENT ON PRODUCTION.—If the cumulative
24 production of valuable locatable minerals produced in com-
25 mercial quantities from the Federal land conveyed to Res-

1 olution Copper under section 4 exceeds the quantity of
2 production of locatable minerals from the Federal land
3 used in the income capitalization approach analysis pre-
4 pared under section 4(d)(3), Resolution Copper shall pay
5 to the United States, by not later than March 15 of each
6 applicable calendar year, a value adjustment payment for
7 the quantity of excess production at the same rate as-
8 sumed for the income capitalization approach analysis pre-
9 pared under section 4(d)(3).

10 (c) STATE LAW UNAFFECTED.—Nothing in this sec-
11 tion modifies, expands, diminishes, amends, or otherwise
12 affects any State law relating to the imposition, applica-
13 tion, timing, or collection of a State excise or severance
14 tax.

15 (d) USE OF FUNDS.—

16 (1) SEPARATE FUND.—All funds paid to the
17 United States under this section shall be deposited
18 in a special fund established in the Treasury and
19 shall be available to the Secretary and the Secretary
20 of the Interior only for the purposes authorized by
21 paragraph (2).

22 (2) AUTHORIZED USE.—Amounts in the special
23 fund established pursuant to paragraph (1) shall be
24 used for maintenance, repair, and rehabilitation

1 projects for Forest Service and Bureau of Land
2 Management assets.

3 **SEC. 7. WITHDRAWAL.**

4 Subject to valid existing rights, Apache Leap and any
5 land acquired by the United States under this Act are
6 withdrawn from all forms of—

7 (1) entry, appropriation, or disposal under the
8 public land laws;

9 (2) location, entry, and patent under the mining
10 laws; and

11 (3) disposition under the mineral leasing, min-
12 eral materials, and geothermal leasing laws.

13 **SEC. 8. APACHE LEAP.**

14 (a) MANAGEMENT.—

15 (1) IN GENERAL.—The Secretary shall manage
16 Apache Leap to preserve the natural character of
17 Apache Leap and to protect archeological and cul-
18 tural resources located on Apache Leap.

19 (2) SPECIAL USE PERMITS.—The Secretary
20 may issue to Resolution Copper special use permits
21 allowing Resolution Copper to carry out under-
22 ground activities (other than the commercial extrac-
23 tion of minerals) under the surface of Apache Leap
24 that the Secretary determines would not disturb the

1 surface of the land, subject to any terms and condi-
2 tions that the Secretary may require.

3 (3) FENCES; SIGNAGE.—The Secretary may
4 allow use of the surface of Apache Leap for installa-
5 tion of fences, signs, monitoring devices, or other
6 measures necessary to protect the health and safety
7 of the public, protect resources located on Apache
8 Leap, or to ensure that activities conducted under
9 paragraph (2) do not affect the surface of Apache
10 Leap.

11 (b) PLAN.—

12 (1) IN GENERAL.—Not later than 3 years after
13 the date of enactment of this Act, the Secretary, in
14 consultation with affected Indian tribes, the Town,
15 Resolution Copper, and other interested members of
16 the public, shall prepare a management plan for
17 Apache Leap.

18 (2) CONSIDERATIONS.—In preparing the plan
19 under paragraph (1), the Secretary shall consider
20 whether additional measures are necessary to—

21 (A) protect the cultural, archaeological, or
22 historical resources of Apache Leap, including
23 permanent or seasonal closures of all or a por-
24 tion of Apache Leap; and

25 (B) provide access for recreation.

1 (c) MINING ACTIVITIES.—The provisions of this sec-
2 tion shall not impose additional restrictions on mining ac-
3 tivities carried out by Resolution Copper adjacent to, or
4 outside of, the Apache Leap area beyond those otherwise
5 applicable to mining activities on privately owned land
6 under Federal, State, and local laws, rules and regula-
7 tions.

8 **SEC. 9. CONVEYANCES TO TOWN OF SUPERIOR, ARIZONA.**

9 (a) CONVEYANCES.—On request from the Town and
10 subject to the provisions of this section, the Secretary shall
11 convey to the Town the following:

12 (1) Approximately 30 acres of land as depicted
13 on the map entitled “Southeast Arizona Land Ex-
14 change and Conservation Act of 2011—Federal Par-
15 cel—Fairview Cemetery” and dated March 2011.

16 (2) The reversionary interest and any reserved
17 mineral interest of the United States in the approxi-
18 mately 265 acres of land located in Pinal County,
19 Arizona, as depicted on the map entitled “Southeast
20 Arizona Land Exchange and Conservation Act of
21 2011—Federal Reversionary Interest—Superior Air-
22 port” and dated March 2011.

23 (3) The approximately 250 acres of land located
24 in Pinal County, Arizona, as depicted on the map
25 entitled “Southeast Arizona Land Exchange and

1 Conservation Act of 2011—Federal Parcel—Superior
2 Airport Contiguous Parcels” and dated March 2011.

3 (b) PAYMENT.—

4 (1) IN GENERAL.—The Town shall pay to the
5 Secretary the market value for each parcel of land
6 or interest in land acquired under this section, as
7 determined by appraisals conducted in accordance
8 with section 4(d).

9 (2) REDUCTION.—If the final appraised value
10 of the non-Federal land exceeds the value of the
11 Federal land under section 4—

12 (A) the obligation of the Town to pay the
13 United States shall be reduced by an amount
14 not to exceed the excess value of the non-Fed-
15 eral land conveyed to the United States; and

16 (B) the value of the donation made by
17 Resolution Copper to the United States shall be
18 reduced accordingly.

19 (c) SISK ACT.—Any payment received by the Sec-
20 retary from the Town under this section shall be deposited
21 in the fund established under Public Law 90–171 (com-
22 monly known as the “Sisk Act”) (16 U.S.C. 484a) and
23 shall be made available to the Secretary for the acquisition
24 of land for addition to the National Forest System.

1 (d) TERMS AND CONDITIONS.—The conveyances
2 under this section shall be subject to such terms and con-
3 ditions as the Secretary may require.

4 **SEC. 10. MISCELLANEOUS PROVISIONS.**

5 (a) REVOCATION OF ORDERS; WITHDRAWAL.—

6 (1) REVOCATION OF ORDERS.—Any public land
7 order that withdraws the Federal land from appro-
8 priation or disposal under a public land law shall be
9 revoked to the extent necessary to permit disposal of
10 the land.

11 (2) WITHDRAWAL.—On the date of enactment
12 of this Act, if the Federal land or any Federal inter-
13 est in the non-Federal land to be exchanged under
14 section 4 is not withdrawn or segregated from entry
15 and appropriation under a public land law (including
16 mining and mineral leasing laws and the Geothermal
17 Steam Act of 1970 (30 U.S.C. 1001 et seq.)), the
18 land or interest shall be withdrawn, without further
19 action required by the Secretary concerned, from
20 entry and appropriation. The withdrawal shall be
21 terminated—

22 (A) on the date of consummation of the
23 land exchange; or

24 (B) if Resolution Copper notifies the Sec-
25 retary in writing that it has elected to withdraw

1 from the land exchange pursuant to section
2 206(d) of the Federal Land Policy and Manage-
3 ment Act of 1976, as amended (43 U.S.C.
4 1716(d)).

5 (3) RIGHTS OF RESOLUTION COPPER.—Nothing
6 in this Act shall interfere with, limit, or otherwise
7 impair, the unpatented mining claims or rights cur-
8 rently held by Resolution Copper on the Federal
9 land, nor in any way change, diminish, qualify, or
10 otherwise impact Resolution Copper’s rights and
11 ability to conduct activities on the Federal land
12 under such unpatented mining claims and the gen-
13 eral mining laws of the United States, including the
14 permitting or authorization of such activities.

15 (b) MAPS, ESTIMATES, AND DESCRIPTIONS.—

16 (1) MINOR ERRORS.—The Secretary concerned
17 and Resolution Copper may correct, by mutual
18 agreement, any minor errors in any map, acreage es-
19 timate, or description of any land conveyed or ex-
20 changed under this Act.

21 (2) CONFLICT.—If there is a conflict between a
22 map, an acreage estimate, or a description of land
23 in this Act, the map shall control unless the Sec-
24 retary concerned and Resolution Copper mutually
25 agree otherwise.

1 (3) AVAILABILITY.—On the date of enactment
2 of this Act, the Secretary shall file and make avail-
3 able for public inspection in the Office of the Super-
4 visor, Tonto National Forest, each map referred to
5 in this Act.

○