

109TH CONGRESS
2D SESSION

S. 2466

To authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2006

Mr. KYL (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona.

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 2006”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

Sec. 4. Land conveyances and exchanges.

Sec. 5. Valuation of land exchanged or conveyed.

Sec. 6. Conservation easement.

Sec. 7. Incorporation, management, and status of acquired land.

Sec. 8. Public uses of Federal land.

Sec. 9. Miscellaneous provisions.

1 SEC. 2. PURPOSES.

2 The purposes of this Act are—

3 (1) to further the public interest by authorizing,
 4 directing, facilitating, and expediting the conveyance
 5 and exchange of land between the United States and
 6 Resolution Copper; and

7 (2) to provide for the conveyance of certain
 8 land from the Secretary of the Interior to the Ari-
 9 zona State Parks Board for the establishment of a
 10 new State park in Gila and Pinal Counties, Arizona,
 11 to be used for rock climbing and other recreational
 12 purposes.

13 SEC. 3. DEFINITIONS.

14 In this Act:

15 (1) APACHE LEAP.—The term “Apache Leap”
 16 means the approximately 562 acres of land referred
 17 to as the “Apache Leap Conservation Easement
 18 Area” on the map entitled “Southeast Arizona Land
 19 Exchange and Conservation Act of 2005-Federal
 20 Parcel-Oak Flat”, dated January 2005.

1 (2) BOARD.—The term “Board” means the Ari-
2 zona State Parks Board, an entity established by the
3 State legislature.

4 (3) FEDERAL LAND.—The term “Federal land”
5 means the approximately 3,025 acres of land located
6 in Pinal County, Arizona, depicted on the map enti-
7 tled “Southeast Arizona Land Exchange and Con-
8 servation Act of 2005-Federal Parcel-Oak Flat”,
9 dated January 2005.

10 (4) GRANTEE.—The term “grantee” means the
11 entity that is granted the permanent conservation
12 easement under section 6(a).

13 (5) NON-FEDERAL LAND.—The term “non-Fed-
14 eral land” means the land described in paragraphs
15 (1) and (2) of section 4(b).

16 (6) RESOLUTION COPPER.—The term “Resolu-
17 tion Copper” means—

18 (A) Resolution Copper Mining, LLC, a
19 Delaware limited liability company; and

20 (B) any successor, assign, transferee,
21 member, or joint venturer of Resolution Copper
22 Cooper Mining, LLC.

23 (7) SECRETARY.—The term “Secretary” means
24 the Secretary of Agriculture.

1 (8) STATE.—The term “State” means the State
2 of Arizona.

3 (9) STATE PARK.—The term “State Park”
4 means the proposed State park, as depicted on the
5 map entitled “Tam O’Shanter Area State Park-Pro-
6 posed” and dated September 2005.

7 (10) TOWN.—The term “Town” means the
8 Town of Superior, Arizona, which is an incorporated
9 municipality.

10 **SEC. 4. LAND CONVEYANCES AND EXCHANGES.**

11 (a) IN GENERAL.—On receipt of an offer from Reso-
12 lution Copper to convey to the Secretary or the Secretary
13 of the Interior title to the non-Federal land that is accept-
14 able to the Secretary or the Secretary of the Interior, as
15 appropriate, the Secretary shall convey to Resolution Cop-
16 per all right, title, and interest of the United States in
17 and to the Federal land, subject to any valid existing right
18 or title reservation, easement, or other exception required
19 by law or agreed to by the Secretary and Resolution Cop-
20 per.

21 (b) RESOLUTION COPPER LAND EXCHANGE.—On re-
22 ceipt of title to the Federal land under subsection (a), Res-
23 olution Copper shall simultaneously convey—

24 (1) to the Secretary, title, that the Secretary
25 determines to be acceptable, to—

1 (A) the approximately 147 acres of land lo-
2 cated in Gila County, Arizona, depicted on the
3 map entitled “Southeast Arizona Land Ex-
4 change and Conservation Act of 2005-Non-Fed-
5 eral Parcel-Turkey Creek”, dated January
6 2005;

7 (B) the approximately 148 acres of land
8 located in Yavapai County Arizona, depicted on
9 the map entitled “Southeast Arizona Land Ex-
10 change and Conservation Act of 2005-Non-Fed-
11 eral Parcel-Tangle Creek”, dated January
12 2005;

13 (C) the approximately 149.3 acres of land
14 located in Maricopa County, Arizona, depicted
15 on the map entitled “Southeast Arizona Land
16 Exchange and Conservation Act of 2005-Non-
17 Federal Parcel-Cave Creek”, dated January
18 2005;

19 (D) the approximately 266 acres of land
20 located in Pinal County, Arizona, depicted on
21 the map entitled “Southeast Arizona Land Ex-
22 change and Conservation Act of 2005-Non-Fed-
23 eral Parcel-JI Ranch”, dated January 2005;
24 and

1 (E) the approximately 640 acres of land
2 located in Coconino County, Arizona, depicted
3 on the map entitled “Southeast Arizona Land
4 Exchange and Conservation Act of 2005-Non-
5 Federal Parcel-East Clear Creek”, dated Au-
6 gust 2005; and

7 (2) to the Secretary of the Interior, title, that
8 the Secretary of the Interior determines to be ac-
9 ceptable, to—

10 (A) the approximately 3,073 acres of land
11 located in Pinal County, Arizona, depicted on
12 the map entitled “Southeast Arizona Land Ex-
13 change and Conservation Act of 2005-Non-Fed-
14 eral Parcel-Lower San Pedro River”, dated
15 January 2005;

16 (B) the approximately 956 acres of land
17 located in Santa Cruz County, Arizona, de-
18 picted on the map entitled “Southeast Arizona
19 Land Exchange and Conservation Act of 2005-
20 Non-Federal Parcel-Appleton Ranch”, dated
21 October 2005; and

22 (C) the approximately 160 acres of land lo-
23 cated in Gila and Pinal Counties, Arizona, de-
24 picted on the map entitled “Southeast Arizona
25 Land Exchange and Conservation Act of 2005-

1 Non-Federal Parcel-Dripping Springs”, dated
 2 August 2005.

3 (c) CONVEYANCE OF LAND TO TOWN.—

4 (1) IN GENERAL.—Not later than 60 days be-
 5 fore carrying out the exchange under subsection (a),
 6 on receipt of a request from the Town, the Secretary
 7 shall convey to the Town, for a price equal to mar-
 8 ket value, as appraised under section 5—

9 (A) the approximately 30 acres of land lo-
 10 cated in Pinal County, Arizona, occupied on the
 11 date of enactment of this Act by the Fairview
 12 Cemetery and depicted on the map entitled
 13 “Southeast Arizona Land Exchange and Con-
 14 servation Act of 2005-Federal Parcel-Fairview
 15 Cemetery”, dated January 2005;

16 (B) the reversionary interest of the United
 17 States in the approximately 265 acres of land
 18 located in Pinal County, Arizona, depicted on
 19 the map entitled “Southeast Arizona Land Ex-
 20 change and Conservation Act of 2005-Federal
 21 Reversionary Interest-Superior Airport”, dated
 22 January 2005; and

23 (C) on receipt of a request from the Town,
 24 all or a portion of the approximately 181 acres
 25 of land located in Pinal County, Arizona, de-

1 picted on the map entitled “Southeast Arizona
 2 Land Exchange and Conservation Act of 2005-
 3 Federal Parcel-Superior Airport Contiguous
 4 Parcel”, dated June 2005.

5 (2) CONDITION OF CONVEYANCE.—Any convey-
 6 ance of land under paragraph (1) shall be carried
 7 out in a manner that provides the United States
 8 manageable boundaries on any parcel retained by
 9 the Secretary, to the maximum extent practicable.

10 (d) TIMING OF EXCHANGE.—It is the intent of Con-
 11 gress that the land exchange directed by subsection (a)
 12 be completed not later than 1 year after the date of enact-
 13 ment of this Act.

14 (e) COSTS OF CONVEYANCES AND EXCHANGES.—
 15 Resolution Copper shall be responsible for—

16 (1) hiring any contractors necessary for car-
 17 rying out an exchange of land under subsection (a)
 18 or a conveyance of land under subsection (c); and

19 (2) paying—

20 (A) the costs of any appraisals relating to
 21 the exchange under subsection (a), including
 22 any reasonable reimbursements to the Secretary
 23 on request of the Secretary for the cost of re-
 24 viewing and approving an appraisal;

1 (B) the costs of any land surveys, includ-
 2 ing any necessary land surveys conducted by
 3 the Bureau of Land Management Cadastral
 4 Survey; and

5 (C) any other cost agreed to by Resolution
 6 Copper and the Secretary.

7 **SEC. 5. VALUATION OF LAND EXCHANGED OR CONVEYED.**

8 (a) EXCHANGE VALUATION.—

9 (1) IN GENERAL.—The value of the land ex-
 10 changed under section 4(a) (including any Federal
 11 reversionary interest) shall be equal, as determined
 12 by the Secretary through an appraisal conducted in
 13 accordance with paragraph (2).

14 (2) APPRAISALS.—

15 (A) IN GENERAL.—An appraisal under this
 16 section shall be—

17 (i) performed by an appraiser mutu-
 18 ally agreed to by the Secretary and Resolu-
 19 tion Copper;

20 (ii) performed in accordance with—

21 (I) the Uniform Appraisal Stand-
 22 ards for Federal Land Acquisitions
 23 (Department of Justice, 5th Edition,
 24 December 20, 2000);

1 (II) the Uniform Standards of
2 Professional Appraisal Practice; and
3 (III) Forest Service appraisal in-
4 structions; and
5 (iii) submitted to the Secretary for re-
6 view and approval.

7 (B) REAPPRAISALS AND UPDATED AP-
8 PRAISED VALUES.—After the final appraised
9 value of a parcel is determined and approved
10 under subparagraph (A), the Secretary shall
11 not be required to reappraise or update the
12 final appraised value—

13 (i) for a period of 3 years after the
14 approval by the Secretary of the final ap-
15 praised value under subparagraph (A)(iii);
16 or

17 (ii) at all, after an exchange agree-
18 ment is entered into by Resolution Copper
19 and the Secretary.

20 (C) PUBLIC REVIEW.—Before carrying out
21 a land exchange under section 4, the Secretary
22 shall make available for public review a sum-
23 mary of the appraisals of the land to be ex-
24 changed.

1 (3) FAILURE TO AGREE.—If the Secretary and
2 Resolution Copper fail to agree on the value of a
3 parcel to be exchanged, the final value of the parcel
4 shall be determined in accordance with section
5 206(d) of the Federal Land Policy and Management
6 Act of 1976 (43 U.S.C. 1716(d)).

7 (4) FEDERAL LAND.—The value of the Federal
8 land conveyed to Resolution Copper under section
9 4(a) shall be determined as if the land is
10 unencumbered by any unpatented mining claims of
11 Resolution Copper.

12 (b) EQUALIZATION OF VALUE.—

13 (1) SURPLUS OF FEDERAL LAND VALUE.—

14 (A) IN GENERAL.—If the final appraised
15 value of the Federal land exceeds the value of
16 the non-Federal land in an exchange under sec-
17 tion 4, Resolution Copper shall make a cash
18 equalization payment to the Secretary to equal-
19 ize the values of the Federal land and non-Fed-
20 eral land.

21 (B) COMPLIANCE WITH FEDERAL LAND
22 POLICY AND MANAGEMENT ACT.—A payment
23 under subparagraph (A) may be in excess of an
24 amount authorized under section 206(b) of the

1 Federal Land Policy and Management Act of
2 1976 (43 U.S.C. 1716(b)).

3 (C) DISPOSITION AND USE OF PRO-
4 CEEDS.—

5 (i) DISPOSITION OF PROCEEDS.—Any
6 cash equalization payments received by the
7 Secretary under subparagraph (A) and any
8 amounts received by the Secretary under
9 paragraph (3) shall be deposited in the
10 fund established by Public Law 90–171
11 (commonly known as the “Sisk Act”) (16
12 U.S.C. 484a).

13 (ii) USE OF PROCEEDS.—Amounts de-
14 posited under clause (i) shall be available
15 to the Secretary, without further appro-
16 priation, for the acquisition of land for ad-
17 dition to the National Forest System in
18 the State.

19 (2) SURPLUS OF NON-FEDERAL LAND VALUE.—

20 (A) IN GENERAL.—If the final appraised
21 value of the non-Federal land exceeds the value
22 of the Federal land in an exchange under sec-
23 tion 4, the Secretary of the Interior, subject to
24 the availability of funds, shall make a payment

1 to Resolution Copper to equalize the values of
2 the land.

3 (B) WAIVER.—

4 (i) IN GENERAL.—A payment under
5 subparagraph (A) may be waived in whole
6 or in part by Resolution Copper.

7 (ii) EFFECT.—An amount waived
8 under clause (i) shall be considered to be
9 a donation by Resolution Copper to the
10 United States for all purposes of law.

11 (3) PAYMENT FOR LAND CONVEYED TO
12 TOWN.—

13 (A) IN GENERAL.—The Town shall pay the
14 Secretary market value for any land acquired
15 by the Town from the Secretary under section
16 4(c), as determined by the Secretary through
17 an appraisal conducted in accordance with sub-
18 section (a)(2).

19 (B) CREDIT.—If the Secretary of the Inte-
20 rior owes a payment to Resolution Copper
21 under paragraph (2)—

22 (i) the Secretary of the Interior shall
23 credit against the amount owed to Resolu-
24 tion Copper the market value of any land

1 conveyed to the Town under section 4(c);

2 and

3 (ii) the obligation of the Town to pay

4 the United States shall be reduced by the

5 amount of the credit.

6 (C) EFFECT.—An amount credited under

7 subparagraph (B) shall be considered to be a

8 donation by Resolution Copper to the Town for

9 all purposes of law.

10 **SEC. 6. CONSERVATION EASEMENT.**

11 (a) IN GENERAL.—As a condition of the land ex-

12 change under section 4(a), Resolution Copper shall deliver

13 to the Secretary an executed document granting a perma-

14 nent conservation easement to an entity that is—

15 (1) a qualified unit of government; or

16 (2) a land trust or other qualified organization

17 as defined in section 170(h) of the Internal Revenue

18 Code of 1986.

19 (b) EASEMENT AREA.—The area of the conservation

20 easement under this section shall be the surface estate of

21 Apache Leap.

22 (c) TERMS.—The conservation easement under this

23 section shall—

24 (1) prohibit surface development of the ease-

25 ment area by Resolution Copper, except for a fence,

1 sign, monitoring device, or other improvement for an
2 administrative, public health and safety, or other ap-
3 propriate purpose, as determined by Resolution Cop-
4 per and the grantee;

5 (2) prohibit commercial mineral extraction
6 under the easement area by any method that could
7 impact the surface of the easement area; and

8 (3) provide for appropriate nonmotorized public
9 access to and use of the easement area, as deter-
10 mined by Resolution Copper and the grantee.

11 (d) ADDITIONAL PUBLIC ACCESS ROUTES.—

12 (1) IN GENERAL.—Not later than 3 years after
13 the date of the conveyance under section 4(a), Reso-
14 lution Copper and the grantee, in consultation with
15 the Town and other interested parties, shall deter-
16 mine whether the area covered by the conservation
17 easement should be used to establish additional pub-
18 lic access routes (including motorized roads), trails,
19 and trailheads to Apache Leap.

20 (2) COSTS.—

21 (A) IN GENERAL.—If Resolution Copper
22 and the grantee determine under paragraph (1)
23 that any additional public access routes, trails,
24 or trailheads should be established in the area
25 covered by the conservation easement, Resolu-

tion Copper shall, subject to subparagraph (B), pay all reasonable costs of establishing the additional public access routes, trails, or trailheads.

(B) LIMITATION.—The total cost of establishing all public access routes, trails, or trailheads authorized by Resolution Copper and the grantee under this subsection shall be not more than \$250,000.

(e) EASEMENT AND APPRAISAL.—

(1) IN GENERAL.—The requirement that Resolution Copper grant the conservation easement under this section shall not be considered in determining, or result in any diminution in, the market value of the Federal land for purposes of an appraisal under section 5.

(2) EFFECT.—The market value of the conservation easement and any amount paid by Resolution Copper under subsection (d)(2) shall be considered to be a donation by Resolution Copper to the United States.

(f) MINING ACTIVITIES.—

(1) IN GENERAL.—Except as provided in subsection (c) and other Federal law (including regulations) relating to mining activities on private land,

1 the conservation easement shall not impose any ad-
 2 ditional restrictions on mining activities carried out
 3 by Resolution Copper after the date of the convey-
 4 ance under section 4(a).

5 (2) LIABILITY.—Resolution Copper shall not be
 6 liable for any damage to the easement area caused
 7 by future use or failure of any tunnel or other un-
 8 derground mining works established on the Federal
 9 land on or before the date of the conveyance under
 10 section 4(a).

11 (g) ROLE OF SECRETARY.—Unless otherwise agreed
 12 by the Secretary and Resolution Copper, the Secretary
 13 shall not be—

14 (1) a party to the conservation easement under
 15 this section; or

16 (2) involved in the drafting, monitoring, or en-
 17 forcement of the conservation easement.

18 **SEC. 7. INCORPORATION, MANAGEMENT, AND STATUS OF**

19 **ACQUIRED LAND.**

20 (a) LAND ACQUIRED BY THE SECRETARY.—

21 (1) IN GENERAL.—Land acquired by the Sec-
 22 retary under this Act shall—

23 (A) become part of the National Forest
 24 within which the land is located; and

1 (B) be administered in accordance with the
2 laws (including regulations) applicable to the
3 National Forest System.

4 (2) BOUNDARIES.—For purposes of section 7 of
5 the Land and Water Conservation Fund Act of 1965
6 (16 U.S.C. 4601 et seq.), the boundaries of a Na-
7 tional Forest in which land acquired by the Sec-
8 retary is located shall be deemed to be the bound-
9 aries of that forest as in existence on January 1,
10 1965.

11 (b) LAND ACQUIRED BY THE SECRETARY OF THE IN-
12 TERIOR.—Land acquired by the Secretary of the Interior
13 under this Act shall—

14 (1) become part of the administrative unit or
15 area within which the land is located; and

16 (2) be administered in accordance with the laws
17 (including regulations) applicable to public land.

18 (c) WITHDRAWAL.—On acquisition by the United
19 States of any land under this Act, subject to valid existing
20 rights and without further action by the Secretary or the
21 Secretary of the Interior, as appropriate, the acquired land
22 is permanently withdrawn from all forms of entry and ap-
23 propriation under—

24 (1) the public land laws (including the mining
25 and mineral leasing laws); and

1 (2) the Geothermal Steam Act of 1970 (30
2 U.S.C. 1001 et seq.).

3 **SEC. 8. PUBLIC USES OF FEDERAL LAND.**

4 (a) OAK FLAT CAMPGROUND.—

5 (1) REPLACEMENT CAMPGROUND.—

6 (A) IN GENERAL.—Not later than 2 years
7 after the date of enactment of this Act, the Sec-
8 retary, in consultation with Resolution Copper,
9 the Town, and other interested parties, shall de-
10 sign and construct in the Globe Ranger District
11 of the Tonto National Forest 1 or more replace-
12 ment campgrounds for the Oak Flat Camp-
13 ground (including appropriate access routes to
14 any replacement campgrounds).

15 (B) PUBLIC FACILITIES.—Any replacement
16 campgrounds under this paragraph shall be de-
17 signed and constructed in a manner that ade-
18 quately (as determined in the sole discretion of
19 the Secretary) replaces, or improves on, the fa-
20 cilities, functions, and amenities available to the
21 public at the Oak Flat Campground.

22 (2) COSTS OF REPLACEMENT.—Resolution Cop-
23 per shall pay the cost of designing, constructing, and
24 providing access to any replacement campgrounds
25 under this subsection, not to exceed \$500,000.

1 (3) INTERIM OAK FLAT CAMPGROUND AC-
2 CESS.—

3 (A) IN GENERAL.—The document con-
4 veying the Federal land to Resolution Copper
5 under section 4(a) shall specify that the Sec-
6 retary shall continue to operate and maintain
7 the Oak Flat Campground until the earlier of—

8 (i) the date that is 2 years after the
9 date of enactment of this Act; or

10 (ii) the date on which any replacement
11 campgrounds under this subsection are de-
12 veloped and opened for public use.

13 (B) LIABILITY.—During the interim period
14 described in subparagraph (A), Resolution Cop-
15 per shall not be liable for any public use of the
16 Oak Flat Campground.

17 (b) ROCK CLIMBING AREAS.—

18 (1) REPLACEMENT ROCK CLIMBING AREA.—

19 (A) IN GENERAL.—On request by the
20 Board, acting pursuant to an authorization
21 from the State legislature, the Secretary of the
22 Interior shall convey to the Board the land de-
23 scribed in subparagraph (B) for establishment
24 of the State Park for public or recreational pur-
25 poses under the Act of June 14, 1926 (com-

monly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) is the approximately 2,000 acres of land under the jurisdiction of the Secretary of the Interior within the exterior boundary of the State Park.

(C) DEADLINE.—To be valid, a request for a conveyance under subparagraph (A) shall be submitted by the Board to the Secretary of the Interior not later than 5 years after the date of enactment of this Act.

(D) USE OF LAND.—The conveyance of land under subparagraph (A) shall be subject to the condition that—

(i) the land conveyed to the Board shall be used for the purpose of establishing the State Park, as authorized by the State legislature; and

(ii) the State Park shall be used for—

(I) rock climbing;

(II) bouldering; and

(III) any other forms of outdoor recreation and natural resource con-

1 servation as the Board determines to
2 be appropriate.

3 (E) CONSIDERATION.—

4 (i) IN GENERAL.—Except as provided
5 in clause (ii) and in accordance with sec-
6 tion 2741.8 of title 43, Code of Federal
7 Regulations (or a successor regulation),
8 the conveyance of the land under subpara-
9 graph (A) shall be without monetary con-
10 sideration.

11 (ii) EXCEPTION.—Notwithstanding
12 clause (i), the Board shall pay any reason-
13 able administrative costs incurred by the
14 Secretary of the Interior in making the
15 conveyance.

16 (F) ACQUISITION OF LAND.—The convey-
17 ance of land under subparagraph (A) shall be
18 subject to the condition that, if any land within
19 the exterior boundary of the State Park is ac-
20 quired by the United States from a willing sell-
21 er, the land shall, on acquisition—

22 (i) be conveyed to the Board; and

23 (ii) be incorporated into the State
24 Park.

25 (G) MINERAL INTERESTS.—

1 (i) IN GENERAL.—The United States
 2 shall retain any mineral interests in the
 3 land conveyed under subparagraph (A).

4 (ii) WITHDRAWAL.—Beginning on the
 5 date of enactment of this Act, and subject
 6 to valid existing rights, the land described
 7 in subparagraph (B) shall be permanently
 8 withdrawn from all forms of entry and ap-
 9 propriation under the mining and mineral
 10 leasing laws, including the Geothermal
 11 Steam Act of 1970 (30 U.S.C. 1001 et
 12 seq.).

13 (H) FEES; CONCESSIONS CONTRACTS.—
 14 Nothing in this Act prohibits the Board from—

15 (i) charging reasonable entry or user
 16 fees for the State Park; or

17 (ii) entering into concession contracts
 18 to manage the State Park.

19 (I) REVERSION.—If the land conveyed
 20 under subparagraph (A) is used in a manner
 21 that is inconsistent with the uses described in
 22 subparagraph (D), the land shall, at the discre-
 23 tion of the Secretary of the Interior, revert to
 24 the United States.

25 (J) ADJACENT MANAGEMENT.—

1 (i) FINDING.—Congress finds that
2 land in close proximity to the State Park
3 is or has been the site of—

4 (I) mining or mining related ac-
5 tivities or operations;

6 (II) livestock grazing; and

7 (III) agricultural activities.

8 (ii) NO PROTECTIVE PERIMETER OR
9 BUFFER.—The establishment of the State
10 Park shall not create any protective perim-
11 eter or buffer zone around the State Park.

12 (iii) OTHER ACTIVITIES OR USES.—
13 The fact that non-park activities or uses
14 can be seen or heard from areas within the
15 State Park shall not preclude the conduct
16 of those activities or uses outside the
17 boundary of the State Park.

18 (K) EFFECT.—The establishment of the
19 State Park does not impose new or additional
20 requirements or restrictions under the laws of
21 the United States with respect to the permit-
22 ting, management, or conduct of mining oper-
23 ations and other activities outside the bound-
24 aries of the State Park.

25 (2) ROAD.—

1 (A) IN GENERAL.—To provide safe and
2 reasonable public access to the State Park, the
3 Secretary of the Interior shall construct or im-
4 prove, or oversee construction or improvement
5 of, and grant the Board a right-of-way over, a
6 road on the route described in subparagraph
7 (B).

8 (B) DESCRIPTION OF ROUTE.—The route
9 referred to in subparagraph (A) is the route
10 generally depicted as the “Tam O-Shanter Ac-
11 cess Road” on the map entitled “Tam
12 O’Shanter Access Road”, dated February 2006.

13 (C) CONDITION.—The road authorized
14 under subparagraph (A) shall be an unpaved
15 road, constructed or improved only to the ex-
16 tent that Secretary of the Interior, after con-
17 sultation with the Board, determines is nec-
18 essary to permit the safe passage of 2-wheel
19 drive vehicles for public recreational access pur-
20 poses.

21 (D) LOCATION.—The exact location of the
22 road authorized under subparagraph (A) may,
23 at the sole discretion of the Secretary of the In-
24 terior, after consultation with the Board, be
25 modified or realigned along the general route

1 shown on the map described in subparagraph
2 (B).

3 (E) DEADLINE.—To the maximum extent
4 practicable consistent with weather conditions,
5 the road under subparagraph (A) shall be com-
6 pleted not later than 1 year after the date of
7 conveyance of the land described in paragraph
8 (1)(B) to the Board.

9 (F) MANAGEMENT.—The Board shall
10 manage and maintain the road and right-of-way
11 beginning on the date on which the road is
12 completed.

13 (G) COSTS.—

14 (i) IN GENERAL.—In order to con-
15 struct, improve, and pay for the road
16 under subparagraph (A), the Secretary of
17 the Interior shall, at the sole discretion of
18 the Secretary of the Interior—

19 (I) enter into a contract with
20 Resolution Copper or the Board to
21 construct and improve the road in ac-
22 cordance with instructions issued by,
23 and under the supervision of, the Sec-
24 retary of the Interior; or

1 (II) require Resolution Copper to
 2 pay for the costs of the road, includ-
 3 ing costs to the Secretary of the Inte-
 4 rior of planning and supervising the
 5 road construction or improvement.

6 (ii) LIMITATION.—The total amount
 7 of costs to be paid by Resolution Copper
 8 under clause (i) shall not exceed \$500,000.

9 (3) ALTERNATIVE ROCK CLIMBING REPLACE-
 10 MENT.—

11 (A) IN GENERAL.—If the land described in
 12 paragraph (1)(B) is not conveyed to the Board,
 13 the Secretary, in consultation with the Sec-
 14 retary of the Interior, Resolution Copper, the
 15 Town, local climbing organizations, and other
 16 interested persons, shall identify and provide 1
 17 or more replacement rock climbing areas (in-
 18 cluding public access to any replacement rock
 19 climbing areas) on National Forest System land
 20 or other land of the Federal Government that
 21 possesses, to the maximum extent practicable,
 22 the general characteristics of the rock climbing
 23 area on the Federal land, as determined by the
 24 Secretary.

25 (B) COSTS.—

1 (i) IN GENERAL.—Subject to clause
 2 (ii), Resolution Copper shall pay any costs
 3 incurred by the Secretary or the Secretary
 4 of the Interior in studying, accessing, and
 5 developing any replacement rock climbing
 6 areas under subparagraph (A).

7 (ii) LIMITATION.—The total amount
 8 of costs that Resolution Copper is required
 9 to pay under clause (i) shall not exceed
 10 \$500,000.

11 (c) INTERIM USE OF OAK FLAT FEDERAL LAND.—

12 (1) IN GENERAL.—Until the Federal land is
 13 transferred to Resolution Copper under section 4(a),
 14 the Secretary shall, subject to paragraphs (2) and
 15 (3), continue to administer and allow public access
 16 to, and use of, rock climbing sites on the Federal
 17 land, other than the excluded areas described in
 18 paragraph (2)

19 (2) EXCLUDED AREAS.—The excluded areas re-
 20 ferred to in paragraph (1) are the the climbing sites
 21 on the Federal land known as the “Mine Area” and
 22 “Eurodog Valley” areas, as generally depicted on the
 23 map entitled “Mine Area, Eurodog Valley, and
 24 Magma Mine Road Closure Sites” and dated Feb-
 25 ruary 2006.

1 (3) CLOSURE TO PUBLIC USE.—

2 (A) IN GENERAL.—If any of the areas de-
3 scribed in paragraph (2) have not been closed
4 to public use as of the date of enactment of this
5 Act, the areas shall be closed to public use on
6 the date of enactment of this Act.

7 (B) MAGMA MINE ROAD.—

8 (i) IN GENERAL.—Except as provided
9 in clause (ii), on the date of enactment of
10 this Act, the Magma Mine Road shall be
11 closed to further public use.

12 (ii) EXCEPTION.—The closure under
13 clause (i) shall not apply to the road seg-
14 ment of the Magma Mine Road needed to
15 access the Oak Flat Campground during
16 the period described in subsection
17 (a)(3)(A).

18 (4) BOULDERBLAST COMPETITION.—During
19 the period beginning on the date of enactment of
20 this Act and ending on the date that is 5 years after
21 the date of enactment of this Act, the Secretary of
22 the Interior, in consultation with Resolution Copper,
23 may issue not more than 1 special use permit per
24 year to provide public access to the bouldering area

1 on the Federal land for purposes of the annual
 2 “BoulderBlast” competition.

3 (5) LIABILITY.—Resolution Copper shall not be
 4 liable for any public use of the Federal land under
 5 paragraph (3) or (4).

6 **SEC. 9. MISCELLANEOUS PROVISIONS.**

7 (a) CONTRACTORS.—

8 (1) IN GENERAL.—Any work relating to a con-
 9 veyance or exchange under section 4 that is per-
 10 formed by a contractor shall be subject to the mu-
 11 tual agreement of the Secretary or the Secretary of
 12 the Interior, as appropriate, and Resolution Copper,
 13 including agreement with respect to—

14 (A) the selection of the contractor; and

15 (B) the scope of the work performed by the
 16 contractor.

17 (2) REVIEW AND APPROVAL.—Review and ap-
 18 proval of any work performed by a contractor under
 19 this subsection shall be—

20 (A) performed by the Secretary or the Sec-
 21 retary of the Interior, as appropriate; and

22 (B) subject to Federal, State, and local
 23 laws (including regulations).

24 (3) LEAD ACTOR AGREEMENT.—The Secretary
 25 and the Secretary of the Interior may mutually

1 agree to designate the Secretary as the lead actor
2 for any action under this subsection.

3 (b) REVOCATION OF ORDERS; WITHDRAWAL.—

4 (1) REVOCATION OF ORDERS.—Any public land
5 order that withdraws the Federal land or the land
6 to be conveyed to the Board under section 8(b)(1)
7 from appropriation or disposal under a public land
8 law shall be revoked to the extent necessary to per-
9 mit disposal of the land.

10 (2) WITHDRAWAL.—On the date of enactment
11 of this Act, if the Federal land is not withdrawn or
12 segregated from entry and appropriation under a
13 public land law (including mining and mineral leas-
14 ing laws and the Geothermal Steam Act of 1970 (30
15 U.S.C. 1001 et seq.)), the Federal land shall be
16 withdrawn from entry and appropriation, subject to
17 any right of Resolution Copper, until the date of the
18 conveyance of Federal land under section 4(a).

19 (c) MAPS, ESTIMATES, AND DESCRIPTIONS.—

20 (1) MINOR ERRORS.—The Secretary or the Sec-
21 retary of the Interior, as appropriate, Resolution
22 Copper, or the Board, may by mutual agreement
23 correct any minor errors in any map, acreage esti-
24 mate, or description of any land conveyed or ex-
25 changed under this Act.

1 (2) CONFLICT.—If there is a conflict between a
2 map, an acreage estimate, or a description of land
3 under this Act, the map shall control unless the Sec-
4 retary, Resolution Copper, or the Board, as appro-
5 prium, mutually agree otherwise.

6 (3) AVAILABILITY.—

7 (A) IN GENERAL.—On the date of enact-
8 ment of this Act, the Secretary shall file and
9 make available for public inspection in the Of-
10 fice of the Supervisor, Tonto National Forest,
11 any map referred to in this Act.

12 (B) OTHER MAPS.—Any maps accom-
13 panying the State Park conveyance and road
14 access under section 8 shall be made available
15 for public inspection in the Arizona Office of
16 the Bureau of Land Management.

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