

110TH CONGRESS
2D SESSION

S. 3157

To provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2008

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

A BILL

To provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona, 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.**

4 This Act may be cited as the “Southeast Arizona
5 Land Exchange and Conservation Act of 2008”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to advance the public interest by author-
9 izing, directing, facilitating, and expediting the con-

veyance and exchange of land between the United States and Resolution Copper Mining, LLC; and

(2) to provide for the permanent protection of cultural and other resources and uses of the Apache Leap escarpment located in close proximity to the town of Superior, Arizona.

SEC. 3. DEFINITIONS.

In this Act:

(1) APACHE LEAP.—The term “Apache Leap” means the approximately 695 acres of land referred to as the “Apache Leap Conservation Easement Area” on the map entitled “Apache Leap Conservation Easement Area”, dated November 2006.

(2) FEDERAL LAND.—The term “Federal land” means the approximately 3,025 acres of land located in Pinal County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2005—Federal Parcel—Oak Flat”, dated January 2005.

(3) GRANTEE.—The term “grantee” means the 1 or more entities that are granted the permanent conservation easement under section 6(a).

(4) NON-FEDERAL LAND.—The term “non-Federal land” means the land described in section 4(b)(1).

1 (5) OAK FLAT CAMPGROUND.—The term “Oak
2 Flat Campground” means the campground that is—

3 (A) comprised of approximately 16 devel-
4 oped campsites (including the approximately 75
5 acres adjacent to the campsites); and

6 (B) generally depicted on the map entitled
7 “Oak Flat Campground”, dated May 2008.

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

10 (A) Resolution Copper Mining, LLC, a
11 Delaware limited liability company; and

12 (B) any successor, assign, affiliate, mem-
13 ber, or joint venturer of Resolution Copper Min-
14 ing, LLC.

15 (7) SECRETARY.—The term “Secretary” means
16 the Secretary of Agriculture.

17 (8) TOWN.—The term “Town” means the Town
18 of Superior, Arizona, which is an incorporated mu-
19 nicipality.

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

21 (a) IN GENERAL.—On receipt from Resolution Cop-
22 per of a written offer to convey to the United States all
23 right, title, and interest of Resolution Copper in and to
24 the non-Federal land that is acceptable to the Secretary
25 or the Secretary of the Interior, as appropriate, and that

1 conforms to the title approval standards of the Attorney
2 General applicable to Federal land acquisitions, the Sec-
3 retary shall—

4 (1) accept the offer; and

5 (2) convey to Resolution Copper all right, title,
6 and interest of the United States in and to the Fed-
7 eral land, subject to any valid existing right or title
8 reservation, easement, or other exception required by
9 law or agreed to by the Secretary and Resolution
10 Copper.

11 (b) CONVEYANCE OF LAND.—On receipt of title to
12 the Federal land under subsection (a), Resolution Copper
13 shall simultaneously convey—

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

17 (A) the approximately 147 acres of land lo-
18 cated in Gila County, Arizona, depicted on the
19 map entitled “Southeast Arizona Land Ex-
20 change and Conservation Act of 2005—Non-
21 Federal Parcel—Turkey Creek”, dated January
22 2005;

23 (B) the approximately 148 acres of land
24 located in Yavapai County Arizona, depicted on
25 the map entitled “Southeast Arizona Land Ex-

1 change and Conservation Act of 2005—Non-
2 Federal Parcel—Tangle Creek”, dated January
3 2005;

4 (C) the approximately 149 acres of land lo-
5 cated in Maricopa County, Arizona, depicted on
6 the map entitled “Southeast Arizona Land Ex-
7 change and Conservation Act of 2005—Non-
8 Federal Parcel—Cave Creek”, dated January
9 2005;

10 (D) the approximately 266 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-
14 Federal Parcel—JI Ranch”, dated January
15 2005;

16 (E) the approximately 640 acres of land
17 located in Coconino County, Arizona, depicted
18 on the map entitled “Southeast Arizona Land
19 Exchange and Conservation Act of 2005—Non-
20 Federal Parcel—East Clear Creek”, dated Au-
21 gust 2005; and

22 (F) the approximately 95 acres of land lo-
23 cated in Pinal County, Arizona, depicted on the
24 map entitled “Southeast Arizona Land Ex-
25 change and Conservation Act of 2008—Non-

1 Federal Parcel—The Pond”, dated May 2008;
 2 and

3 (2) to the Secretary of the Interior, all right,
 4 title, and interest that the Secretary of the Interior
 5 determines to be acceptable in and to—

6 (A) the approximately 3,073 acres of land
 7 located in Pinal County, Arizona, depicted on
 8 the map entitled “Lower San Pedro River Par-
 9 cel”, dated May 31, 2006;

10 (B) the approximately 160 acres of land
 11 located in Gila and Pinal Counties, Arizona,
 12 depicted on the map entitled “Southeast Ari-
 13 zona Land Exchange and Conservation
 14 Act of 2005—Non-Federal Parcel—Dripping
 15 Springs”, dated August 2005; and

16 (C) the approximately 956 acres of land lo-
 17 cated in Santa Cruz County, Arizona, depicted
 18 on the map entitled “Southeast Arizona Land
 19 Exchange and Conservation Act of 2008—Non-
 20 Federal Parcel—Appleton Ranch”, dated May
 21 2008.

22 (c) CONVEYANCE OF LAND TO TOWN.—

23 (1) IN GENERAL.—Subject to paragraph (2),
 24 not later than 90 days after the date on which the
 25 exchange under subsection (b) is completed, on re-

1 ceipt of a request from the Town for any parcel of
 2 land described in paragraph (2), the Secretary shall
 3 convey to the Town, for a price equal to market
 4 value, as appraised under section 5 and subject to
 5 any credit under section 5(b)(3), each parcel of land
 6 that the Town requests.

7 (2) ELIGIBLE PARCELS.—The Town may re-
 8 quest—

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—Fair-
 15 view Cemetery”, dated January 2005;

16 (B) the reversionary interest, and any re-
 17 served mineral interest, of the United States in
 18 the approximately 265 acres of land located in
 19 Pinal County, Arizona, depicted on the map en-
 20 titled “Southeast Arizona Land Exchange and
 21 Conservation Act of 2005—Federal Rever-
 22 sionary Interest—Superior Airport”, dated Jan-
 23 uary 2005; and

24 (C) the approximately 181 acres of land lo-
 25 cated in Pinal County, Arizona, depicted on the

map entitled “Southeast Arizona Land Exchange and Conservation Act of 2005—Federal Parcel—Superior Airport Contiguous Parcel”, dated June 2005.

(3) CONDITION OF CONVEYANCE.—Any conveyance of land under paragraph (1) shall be carried out in a manner that provides the United States manageable boundaries on any parcel retained by the Secretary, to the maximum extent practicable.

(d) TIMING OF EXCHANGE.—It is the intent of Congress that the land exchange directed by subsection (b) should be completed not later than 1 year after the date of enactment of this Act.

(e) COSTS OF CONVEYANCES AND EXCHANGES.—In accordance with sections 254.4 and 254.7 of title 36, Code of Federal Regulations (or successor regulations), Resolution Copper shall assume responsibility for—

(1) hiring any contractors determined by the Secretary to be necessary for carrying out an exchange or conveyance under subsection (a), (b), or (c); and

(2) paying, without compensation—

(A) the costs of each appraisal relating to the exchange or conveyance under subsection (a), (b), or (c), including any reasonable reim-

1 bursements to the Secretary on request of the
 2 Secretary for the cost of reviewing and approv-
 3 ing an appraisal;

4 (B) the costs of any hazardous materials
 5 survey, mitigation requirement, clearance, or
 6 land survey, including any necessary land sur-
 7 veys conducted by the Bureau of Land Manage-
 8 ment Cadastral Survey; and

9 (C) any other cost agreed to by Resolution
 10 Copper and the Secretary.

11 (f) CONTRACTOR WORK AND APPROVALS.—

12 (1) IN GENERAL.—Any work relating to the ex-
 13 change or conveyance of land that is performed by
 14 a contractor shall be subject to the mutual agree-
 15 ment of the Secretary and Resolution Copper, in-
 16 cluding any agreement with respect to—

17 (A) the selection of the contractor; and

18 (B) the scope of work performed by the
 19 contractor.

20 (2) REVIEW AND APPROVAL.—Any required re-
 21 view and approval of work by a contractor shall be
 22 performed by the Secretary in accordance with appli-
 23 cable law (including regulations).

24 (3) LEAD ACTOR.—The Secretary and the Sec-
 25 retary of the Interior may mutually agree to des-

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

3 (g) PRE-EXCHANGE PROCESSING.—Before com-
4 pleting the land exchange under subsection (b), the Sec-
5 retary or the Secretary of the Interior, as appropriate,
6 shall complete—

7 (1) any necessary land survey; and

8 (2) any required clearance, review, mitigation
9 activity, or approval relating to any threatened and
10 endangered species, cultural or historic resource,
11 wetlands and floodplains, or hazardous material.

12 (h) POST-EXCHANGE PROCESSING.—Before com-
13 mencing production in commercial quantities of any valu-
14 able mineral from the Federal land conveyed to Resolution
15 Copper pursuant to subsection (a)(2) (except for any such
16 production from any exploration and mine development
17 shafts, adits, and tunnels needed to determine feasibility
18 and pilot plant testing of commercial production or to ac-
19 cess the ore body and tailings deposition areas), the Sec-
20 retary shall publish an environmental impact statement in
21 accordance with section 102(2)(C) of the National Envi-
22 ronmental Policy Act of 1969 (42 U.S.C.4322(2)(C)) re-
23 garding any Federal agency action carried out relating to
24 the commercial production, including an analysis of the
25 impacts of the production.

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

2 (a) EXCHANGE VALUATION.—

3 (1) IN GENERAL.—The value of the land ex-
4 changed or conveyed under subsection (a), (b), or (c)
5 of section 4 (including any reversionary interest)
6 shall be determined by the Secretary through 1 or
7 more appraisals conducted in accordance with para-
8 graph (2).

9 (2) APPRAISALS.—

10 (A) IN GENERAL.—An appraisal under this
11 section shall be—

12 (i) performed by an appraiser mutu-
13 ally agreed to by the Secretary and Resolu-
14 tion Copper;

15 (ii) performed in accordance with—

16 (I) the Uniform Appraisal Stand-
17 ards for Federal Land Acquisitions
18 (Department of Justice, 5th Edition,
19 December 20, 2000);

20 (II) the Uniform Standards of
21 Professional Appraisal Practice; and

22 (III) Forest Service appraisal in-
23 structions; and

24 (iii) submitted to the Secretary for re-
25 view and approval.

(B) REAPPRAISALS AND UPDATED APPRAISED VALUES.—After the final appraised value of a parcel is determined and approved under subparagraph (A), the Secretary shall not be required to reappraise or update the final appraised value—

(i) for a period of 3 years after the approval by the Secretary of the final appraised value under subparagraph (A)(iii);

or

(ii) at all, after an exchange agreement is entered into by Resolution Copper and the Secretary.

(C) PUBLIC REVIEW.—Before carrying out a land exchange under section 4, the Secretary shall make available for public review a summary of the appraisals of the land to be exchanged.

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

(4) FEDERAL LAND APPRAISAL.—

1 (A) TREATMENT AS UNENCUMBERED.—

2 (i) IN GENERAL.—Subject to clause
3 (ii), the value of the Federal land shall be
4 determined as if the land is unencumbered
5 by any unpatented mining claims of Reso-
6 lution Copper.

7 (ii) EFFECT.—Nothing in this Act af-
8 fects the validity of any unpatented mining
9 claim or right of Resolution Copper.

10 (B) APPRAISAL INFORMATION.—To pro-
11 vide any information necessary to calculate a
12 value adjustment payment for purposes of sec-
13 tion 10, the appraisal under this paragraph
14 shall include a detailed royalty income approach
15 analysis, in accordance with the Uniform Ap-
16 praisal Standards for Federal Land Acquisition,
17 of the market value of the Federal land, regard-
18 less of whether that analysis does not reflect
19 the appraisal approach relied on by the ap-
20 praiser to determine the final market value of
21 the Federal land.

22 (b) EQUALIZATION OF VALUE-SURPLUS OF FEDERAL
23 LAND VALUE.—

24 (1) IN GENERAL.—If the final appraised value
25 of the Federal land exceeds the value of the non-

1 Federal land, Resolution Copper shall make a cash
2 equalization payment to the Secretary to equalize
3 the values of the Federal land and non-Federal land.

4 (2) AMOUNT OF PAYMENT.—Notwithstanding
5 section 206(b) of the Federal Land Policy and Man-
6 agement Act of 1976 (43 U.S.C. 1716(b)), the Sec-
7 retary may accept a cash equalization payment
8 under paragraph (1) in an amount that is greater
9 than 25 percent of the value of the Federal land.

10 (3) DISPOSITION AND USE OF PROCEEDS.—A
11 cash equalization payment received by the Secretary
12 under paragraph (1) shall—

13 (A) without further appropriation, be de-
14 posited in the Federal Land Disposal Account
15 established by section 206(a) of the Federal
16 Land Transaction Facilitation Act (43 U.S.C.
17 2305(a)); and

18 (B) regardless of whether that account is
19 terminated, remain available to the Secretary
20 and the Secretary of the Interior, as jointly de-
21 termined to be appropriate, for—

22 (i) the acquisition from willing sellers,
23 during the 2-year period beginning on the
24 date on which the payment is deposited in
25 the Federal Land Disposal Account, of

1 land or interests in land within the hydro-
2 graphic boundary of the San Pedro River
3 (including tributaries) in the State of Ari-
4 zona; or

5 (ii) the management and protection of
6 endangered species and other sensitive
7 land or environmental values in the San
8 Pedro Riparian National Conservation
9 Area established by section 101 of the Ari-
10 zona-Idaho Conservation Act of 1988 (16
11 U.S.C. 460xx), including management
12 under any applicable cooperative agree-
13 ment between the Secretary of the Interior
14 and an appropriate State or local agency
15 or qualified organization under section
16 103(c) of that Act (16 U.S.C. 460xx-2(c)).

17 (c) SURPLUS OF NON-FEDERAL LAND VALUE.—If
18 the final appraised value of the non-Federal land exceeds
19 the value of the Federal land involved in the exchange
20 under section 4—

21 (1) the Secretary shall not make a payment to
22 Resolution Copper to equalize the values of the land;
23 and

1 (2) the surplus value of the non-Federal consid-
2 eration shall be considered a donation by Resolution
3 Copper to the United States.

4 (d) PAYMENT FOR LAND CONVEYED TO TOWN.—

5 (1) IN GENERAL.—The Town shall pay the Sec-
6 retary market value for any land acquired by the
7 Town from the Secretary under section 4(c), as de-
8 termined by the Secretary through an appraisal con-
9 ducted in accordance with subsection (a)(2).

10 (2) CREDIT.—If the final appraised value of the
11 non-Federal land exceeds the value of the Federal
12 land in the exchange under section 4, the obligation
13 of the Town to pay the United States under para-
14 graph (1) shall be reduced by an amount equal to
15 the excess value of the non-Federal consideration.

16 (3) DEPOSITS.—The Secretary shall deposit
17 any amounts received from the Town under this sub-
18 section in the fund established under Public Law
19 90–171 (commonly known as the “Sisk Act”) (16
20 U.S.C. 484a).

21 (4) USE OF FUNDS.—Amounts deposited under
22 paragraph (3) shall be available to the Secretary
23 until expended, without further appropriation, for
24 the acquisition of land or interests in land in the
25 National Forest System in the State of Arizona.

1 (e) CONFORMING AMENDMENT.—Section 103(c) of
 2 the Arizona-Idaho Conservation Act of 1988 (16 U.S.C.
 3 460xx-2(c)) is amended by inserting “or qualified organi-
 4 zations (as defined in section 170(h) of the Internal Rev-
 5 enue Code of 1986)” after “State and local agencies”.

6 **SEC. 6. APACHE LEAP NATURAL AND CULTURAL RE-**
 7 **SOURCE CONSERVATION EASEMENT.**

8 (a) IN GENERAL.—To protect the scenic, cultural,
 9 historic, educational, and natural resource values of the
 10 Apache Leap escarpment, as a condition of the land ex-
 11 change under section 4, Resolution Copper shall deliver
 12 to the Secretary an executed document granting a perma-
 13 nent conservation easement for the easement area to an
 14 entity that is—

15 (1) a qualified unit of government or Indian
 16 tribe; or

17 (2) a land trust or other qualified organization
 18 as defined in section 170(h) of the Internal Revenue
 19 Code of 1986.

20 (b) EASEMENT AREA.—The area of the conservation
 21 easement under this section shall be the surface estate of
 22 Apache Leap.

23 (c) TERMS.—The conservation easement under this
 24 section—

25 (1) shall—

1 (A) prohibit surface development of the
2 easement area by Resolution Copper, except for
3 a fence, sign, monitoring device, or other im-
4 provement for an administrative, public health
5 and safety, or other appropriate purpose, as de-
6 termined by Resolution Copper and any grantee
7 of the conservation easement;

8 (B) prohibit commercial mineral extraction
9 under the easement area; and

10 (C) provide for appropriate nonmotorized
11 public access to and use of the easement area,
12 as determined by Resolution Copper and any
13 grantee of the conservation easement; and

14 (2) may contain such other terms and condi-
15 tions as the grantor or grantee of the conservation
16 easement, in consultation with the Town, interested
17 Indian tribes, and any other interested parties, de-
18 termines to be appropriate to conserve, protect, en-
19 hance, and manage the cultural and historic re-
20 sources and traditional uses of the easement area.

21 (d) ENDOWMENT.—As a condition of the conveyance
22 under section 4(a), Resolution Copper shall pay to the
23 grantee of the conservation easement under this section
24 \$250,000, to be used by the grantee of the conservation
25 easement—

- 1 (1) to monitor the easement;
- 2 (2) to enforce the borders of the easement;
- 3 (3) to carry out any administrative activity re-
- 4 lating to the easement; and
- 5 (4) to provide such additional protections, ac-
- 6 cess, or alternative access as may be determined ap-
- 7 propriate pursuant to subsection (f).

8 (e) ROLE OF SECRETARY.—

9 (1) IN GENERAL.—The Secretary—

10 (A) may be consulted during the prepara-
11 tion and drafting of the executed document
12 granting a permanent conservation easement to
13 the easement area under subsection (a); but

14 (B) unless otherwise agreed to by the Sec-
15 retary and Resolution Copper, shall not be—

16 (i) a party to the conservation ease-
17 ment under this section; or

18 (ii) required to carry out any activity
19 relating to the monitoring or enforcement
20 of the conservation easement under this
21 section.

22 (2) ADDITIONAL MANAGEMENT.—The Secretary
23 may manage the Notch area labeled and depicted on
24 the map referred to in section 3(1) in accordance

1 with the terms of the conservation easement under
 2 this section.

3 (f) ADDITIONAL PROTECTIONS AND ACCESS.—Not
 4 later than 3 years after the date of the conveyance of the
 5 Federal land, Resolution Copper and the grantee, in con-
 6 sultation with the Town, interested Indian tribes, and
 7 other interested parties, shall determine whether the area
 8 covered by the conservation easement should be managed
 9 to establish—

10 (1) additional cultural and historical resource
 11 protections or measures, including permanent or sea-
 12 sonal closures of any portion of the easement area
 13 to protect cultural or archeological resources; or

14 (2) additional or alternative public access
 15 routes, trails, and trailheads to Apache Leap.

16 (g) EASEMENT AND APPRAISAL.—

17 (1) IN GENERAL.—The requirement that Reso-
 18 lution Copper grant the conservation easement
 19 under this section shall not be considered in deter-
 20 mining, or result in any diminution in, the market
 21 value of the Federal land for purposes of an ap-
 22 praisal under section 5.

23 (2) EFFECT.—The market value of the con-
 24 servation easement and any amount paid by Resolu-
 25 tion Copper under subsection (d) shall be considered

1 to be a donation by Resolution Copper to the United
2 States.

3 (h) MINING ACTIVITIES.—Except as provided in sub-
4 section (c) and other Federal law (including regulations)
5 relating to mining activities on private land, the conserva-
6 tion easement shall not impose any additional restrictions
7 on mining activities carried out by Resolution Copper out-
8 side of the easement area after the date of the conveyance
9 under section 4(a).

10 **SEC. 7. INCORPORATION, MANAGEMENT, AND STATUS OF**
11 **ACQUIRED LAND.**

12 (a) LAND ACQUIRED BY THE SECRETARY.—

13 (1) IN GENERAL.—Land acquired by the Sec-
14 retary under this Act, including any land or interest
15 in land acquired by the Secretary under section 4(b)
16 shall—

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

19 (B) be administered in accordance with the
20 laws (including regulations) applicable to the
21 National Forest System.

22 (2) BOUNDARIES.—For purposes of section 7 of
23 the Land and Water Conservation Fund Act of 1965
24 (16 U.S.C. 4601 et seq.), the boundaries of a Na-
25 tional Forest in which land acquired by the Sec-

1 retary is located shall be deemed to be the bound-
 2 aries of that forest as in existence on January 1,
 3 1965.

4 (3) MANAGEMENT OF JI RANCH.—

5 (A) IN GENERAL.—On the date on which
 6 the Secretary acquires the JI Ranch parcel de-
 7 scribed in section 4(b)(1)(A)(iv), the Secretary
 8 shall manage the land to allow Yavapai and
 9 Apache Indian tribes—

10 (i) to access the land; and

11 (ii) to undertake traditional activities
 12 relating to the gathering of acorns.

13 (B) AUTHORITY OF SECRETARY.—On re-
 14 ceipt of a request from the Yavapai or Apache
 15 Indian tribe, the Secretary may temporarily or
 16 seasonally close to the public any portion of the
 17 land described in section 4(b)(1) during the pe-
 18 riod in which the Yavapai or Apache Indian
 19 tribe undertakes any activity described in sub-
 20 paragraph (A)(ii).

21 (b) LAND ACQUIRED BY THE SECRETARY OF THE IN-
 22 TERIOR.—

23 (1) IN GENERAL.—Land acquired by the Sec-
 24 retary of the Interior under this Act shall—

1 (A) become part of the administrative unit
 2 (including the national conservation area, if ap-
 3 plicable) or other area within which the land is
 4 located; and

5 (B) be managed in accordance with the
 6 laws (including regulations) applicable to the
 7 administrative unit, national conservation area,
 8 or other area within which the land is located.

9 (2) LOWER SAN PEDRO RIVER LAND.—To pre-
 10 serve and enhance the natural character and con-
 11 servation value of the land described in section
 12 4(b)(1)(B)(i), on acquisition of the land by the Sec-
 13 retary of the Interior, the land shall be—

14 (A) incorporated in, and administered as
 15 part of, the San Pedro Riparian National Con-
 16 servation Area established by section 101 of the
 17 Arizona-Idaho Conservation Act of 1988 (16
 18 U.S.C. 460xx); and

19 (B) managed to preserve or enhance the
 20 conservation values of the Conservation Area in
 21 accordance with that Act.

22 (c) WITHDRAWAL.—On acquisition by the United
 23 States of any land under this Act, subject to valid existing
 24 rights and without further action by the Secretary, the

1 acquired land is permanently withdrawn from all forms
 2 of entry and appropriation under—

3 (1) the public land laws (including the mining
 4 and mineral leasing laws); and

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

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

8 (a) REPLACEMENT CAMPGROUND.—

9 (1) IN GENERAL.—Not later than 4 years after
 10 the date of enactment of this Act, the Secretary, in
 11 consultation with Resolution Copper, the Town, and
 12 other interested parties, shall design and construct
 13 in the Globe Ranger District of the Tonto National
 14 Forest 1 or more replacement campgrounds for the
 15 Oak Flat Campground (including appropriate access
 16 routes to any replacement campgrounds).

17 (2) PUBLIC FACILITIES.—Any replacement
 18 campgrounds under this subsection shall be designed
 19 and constructed in a manner that adequately (as de-
 20 termined in the sole discretion of the Secretary) re-
 21 places, or improves on, the facilities, functions, and
 22 amenities available to the public at the Oak Flat
 23 Campground.

24 (3) COSTS OF REPLACEMENT.—Resolution Cop-
 25 per shall pay the actual cost to the Secretary of de-

1 signing, constructing, and providing access to any
 2 replacement campgrounds under this subsection, not
 3 to exceed \$ 1,000,000.

4 (b) INTERIM OAK FLAT CAMPGROUND ACCESS.—

5 (1) IN GENERAL.—The document conveying the
 6 Federal land to Resolution Copper under section
 7 4(a) shall specify that—

8 (A) during the 4-year period beginning on
 9 the date of enactment of this Act, the Secretary
 10 shall retain title to, operate, and maintain the
 11 Oak Flat Campground; and

12 (B) at the end of that 4-year period—

13 (i) the withdrawal of the Oak Flat
 14 Campground shall be revoked; and

15 (ii) title to the Oak Flat Campground
 16 shall be simultaneously conveyed to Reso-
 17 lution Copper.

18 (2) LIABILITY.—During the interim period de-
 19 scribed in paragraph (1)(A), Resolution Copper shall
 20 not be liable for any public use of the Oak Flat
 21 Campground.

22 (c) MINERAL EXPLORATION.—During the 4-year pe-
 23 riod described in subsection (b)(1)(A)—

24 (1) the Oak Flat campground shall remain
 25 withdrawn from all forms of entry and appropriation

1 under the public land laws (including the mining and
2 mineral leasing laws); but

3 (2) Resolution Copper shall have the right to
4 explore for minerals under the Oak Flat Camp-
5 ground by directional drilling or any other method
6 that does not disturb the land surface of the Oak
7 Flat Campground.

8 (d) BOULDERBLAST COMPETITION.—During 5-year
9 period beginning on the date of enactment of this Act, the
10 Secretary, in consultation with Resolution Copper, may
11 issue not more than 1 special use permit per calendar year
12 to provide public access to the bouldering area on the Fed-
13 eral land for purposes of the annual “BoulderBlast” com-
14 petition.

15 (e) LIABILITY.—Resolution Copper shall not be liable
16 for any public use of the Federal land under subsection
17 (c) or (d).

18 **SEC. 9. MISCELLANEOUS PROVISIONS.**

19 (a) REVOCATION OF ORDERS; WITHDRAWAL.—

20 (1) REVOCATION OF ORDERS.—Any public land
21 order that withdraws the Federal land from appro-
22 priation or disposal under a public land law shall be
23 revoked to the extent necessary to permit disposal of
24 the land.

1 (2) WITHDRAWAL.—On the date of enactment
2 of this Act, if the Federal land and any non-Federal
3 land required to be exchanged under this Act are not
4 withdrawn or segregated from entry and appropria-
5 tion under a public land law (including mining and
6 mineral leasing laws and the Geothermal Steam Act
7 of 1970 (30 U.S.C. 1001 et seq.)), the land shall be
8 withdrawn from entry and appropriation, subject to
9 any right of Resolution Copper, until the date of the
10 conveyance of Federal land under section 4(a).

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

12 (1) MINOR ERRORS.—The Secretary and Reso-
13 lution Copper, may by mutual agreement correct any
14 minor errors in any map, acreage estimate, or de-
15 scription of any land conveyed or exchanged under
16 this Act.

17 (2) CONFLICT.—If there is a conflict between a
18 map, an acreage estimate, or a description of land
19 under this Act, the map shall control unless the Sec-
20 retary and Resolution Copper mutually agree other-
21 wise.

22 (3) AVAILABILITY.—On the date of enactment
23 of this Act, the Secretary shall file and make avail-
24 able for public inspection in the Office of the Super-

1 visor, Tonto National Forest, any map referred to in
2 this Act.

3 **SEC. 10. VALUE ADJUSTMENT PAYMENT.**

4 (a) ANNUAL PRODUCTION REPORTING.—

5 (1) IN GENERAL.—Beginning on February 15
6 of the calendar year beginning after the date of com-
7 mencement of production of valuable locatable min-
8 erals in commercial quantities from the Federal
9 land, and annually thereafter, Resolution Copper
10 shall submit to the Secretary of the Interior a report
11 describing the quantity of locatable minerals in com-
12 mercial quantities produced from the Federal land
13 during the period covered by the report.

14 (2) REQUIREMENTS.—Each annual report
15 under paragraph (1) shall be prepared in accordance
16 with applicable Federal recordkeeping and reporting
17 requirements relating to the production of valuable
18 locatable minerals in commercial quantities on Fed-
19 eral land during the period covered by the report.

20 (b) PAYMENT ON PRODUCTION.—

21 (1) IN GENERAL.—If and when the cumulative
22 production of valuable locatable minerals in commer-
23 cial quantities produced from the Federal land ex-
24 ceeds the quantity of production of locatable min-
25 erals used in the royalty income approach analysis

1 under the Uniform Appraisal Standards for Federal
2 Land Acquisitions prepared under section
3 5(a)(4)(B), Resolution Copper shall pay to the
4 United States, on or before March 15 of the fol-
5 lowing calendar year, a value adjustment payment at
6 a rate equal to—

7 (A) the Federal royalty rate, if any, in ef-
8 fect for the production of valuable locatable
9 minerals from Federal land before December
10 31, 2012; or

11 (B) if such a Federal royalty rate is not in
12 effect before December 31, 2012, the royalty
13 rate used for purposes of the royalty income ap-
14 proach analysis prepared under section
15 5(a)(4)(B).

16 (2) USE OF FUNDS.—Any funds paid to the
17 United States under paragraph (1) shall—

18 (A) be deposited in a special account in the
19 Treasury of the United States; and

20 (B) remain available, without further ap-
21 propriation, to the Secretary and the Secretary
22 of the Interior, as may jointly determined to be
23 appropriate, for the acquisition from willing
24 sellers of land or interests in land in the State
25 of Arizona.

1 (c) NO EFFECT ON STATE LAW.—Nothing in this
2 Act modifies, expands, diminishes, amends, or otherwise
3 affects any provision of State law (including regulations),
4 including any law or regulations relating to the imposition,
5 application, timing, or collection of a State excise or sever-
6 ance tax under Arizona Revised Statutes 42–5201–5206.

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