

109TH CONGRESS  
2D SESSION

# H. R. 6373

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

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2006

Mr. RENZI (for himself, Mr. PASTOR, and Mr. FRANKS of Arizona) introduced the following bill; which was referred to the Committee on Resources

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## 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. Apache leap natural and cultural resource conservation easement.  
 Sec. 7. Incorporation, management, and status of acquired land.  
 Sec. 8. Public uses of Federal land.  
 Sec. 9. Traditional acorn gathering and related activities in and around Oak  
 Flat Campground.  
 Sec. 10. 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;

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; and

13 (3) to provide for the protection of cultural and  
 14 other resources of the Apache Leap Escarpment  
 15 near the Town of Superior, Arizona.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) APACHE LEAP.—The term “Apache Leap”  
 19 means the approximately 680 acres of land generally  
 20 depicted as the “Apache Leap Natural and Cultural  
 21 Resource Conservation Easement Area” on the map

1 entitled “Apache Leap Conservation Easement  
2 Area”, dated November 2006.

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

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

12 (4) GRANTEE.—The term “grantee” means the  
13 entity or entities granted the permanent conserva-  
14 tion easement under section 6(a).

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

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

20 (A) Resolution Copper Mining, LLC, a  
21 Delaware limited liability company; and

22 (B) any successor, assign, member, affil-  
23 iate or joint venturer of Resolution Copper Coo-  
24 per Mining, LLC.

1           (7) SECRETARY.—The term “Secretary” means  
2           the Secretary of Agriculture.

3           (8) STATE.—The term “State” means the State  
4           of Arizona.

5           (9) STATE PARK.—The term “State Park”  
6           means the proposed rock climbing State Park au-  
7           thorized by Arizona Revised Statutes 41-511.15, as  
8           depicted on the map entitled “Tam O’Shanter Area  
9           State Park-Proposed” and dated September 2005.

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

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

14          (a) IN GENERAL.—On receipt of an offer from Reso-  
15          lution Copper to convey to the Secretary or the Secretary  
16          of the Interior all right, title and interest of Resolution  
17          in and to the non-Federal land that is acceptable to the  
18          Secretary or the Secretary of the Interior, as appropriate,  
19          the Secretary shall convey to Resolution Copper all right,  
20          title, and interest of the United States in and to the Fed-  
21          eral land, subject to any valid existing right or title res-  
22          ervation, easement, or other exception required by law or  
23          agreed to by the Secretary and Resolution Copper.

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

4 (1) to the Secretary, all right, title, and interest  
5 of Resolution Copper in and to the following lands  
6 that the Secretary determines to be acceptable:

7 (A) the approximately 147 acres of land lo-  
8 cated in Gila County, Arizona, depicted on the  
9 map entitled “Southeast Arizona Land Ex-  
10 change and Conservation Act of 2005-Non-Fed-  
11 eral Parcel-Turkey Creek”, dated January  
12 2005;

13 (B) the approximately 148 acres of land  
14 located in Yavapai County Arizona, depicted on  
15 the map entitled “Southeast Arizona Land Ex-  
16 change and Conservation Act of 2005-Non-Fed-  
17 eral Parcel-Tangle Creek”, dated January  
18 2005;

19 (C) the approximately 149.3 acres of land  
20 located in Maricopa County, Arizona, depicted  
21 on the map entitled “Southeast Arizona Land  
22 Exchange and Conservation Act of 2005-Non-  
23 Federal Parcel-Cave Creek”, dated January  
24 2005;

1 (D) the approximately 266 acres of land  
2 located in Pinal County, Arizona, depicted on  
3 the map entitled “Southeast Arizona Land Ex-  
4 change and Conservation Act of 2005-Non-Fed-  
5 eral Parcel-JI Ranch”, dated January 2005;  
6 and

7 (E) the approximately 640 acres of land  
8 located in Coconino County, Arizona, depicted  
9 on the map entitled “Southeast Arizona Land  
10 Exchange and Conservation Act of 2005-Non-  
11 Federal Parcel-East Clear Creek”, dated Au-  
12 gust 2005; and

13 (2) to the Secretary of the Interior, all right.  
14 title, and interest of Resolution Copper in and to the  
15 following lands that the Secretary of the Interior de-  
16 termines to be acceptable:

17 (A) the approximately 3,073 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-Non-Fed-  
21 eral Parcel-Lower San Pedro River”, dated  
22 January 2005;

23 (B) the approximately 956 acres of land  
24 located in Santa Cruz County, Arizona, de-  
25 picted on the map entitled “Southeast Arizona

1 Land Exchange and Conservation Act of 2005-  
2 Non-Federal Parcel-Appleton Ranch”, dated  
3 October 2005; and

4 (C) the approximately 160 acres of land lo-  
5 cated in Gila and Pinal Counties, Arizona, de-  
6 picted on the map entitled “Southeast Arizona  
7 Land Exchange and Conservation Act of 2005-  
8 Non-Federal Parcel-Dripping Springs”, dated  
9 August 2005.

10 (c) CONVEYANCE OF LAND TO TOWN.—

11 (1) IN GENERAL.—If, within 90 days after con-  
12 summation of the land exchange under this Act, the  
13 Secretary receives a request from the Town for con-  
14 veyance of one or more of the properties identified  
15 in subparagraphs (A) through (C) of this paragraph,  
16 the Secretary shall convey to the Town for a price  
17 equal to market value, as appraised under section  
18 5—

19 (A) the approximately 30 acres of land lo-  
20 cated in Pinal County, Arizona, occupied on the  
21 date of enactment of this Act by the Fairview  
22 Cemetery and depicted on the map entitled  
23 “Southeast Arizona Land Exchange and Con-  
24 servation Act of 2005-Federal Parcel-Fairview  
25 Cemetery”, dated January 2005;

1 (B) the reversionary interest and any re-  
2 served mineral interest of the United States in  
3 the approximately 265 acres of land located in  
4 Pinal County, Arizona, depicted on the map en-  
5 titled “Southeast Arizona Land Exchange and  
6 Conservation Act of 2005-Federal Reversionary  
7 Interest-Superior Airport”, dated January  
8 2005; and

9 (C) all or a portion of the approximately  
10 181 acres of land located in Pinal County, Ari-  
11 zona, depicted on the map entitled “Southeast  
12 Arizona Land Exchange and Conservation Act  
13 of 2005-Federal Parcel-Superior Airport Con-  
14 tiguous Parcel”, dated June 2005.

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

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

24 (e) EXCHANGE COSTS AND CONTRACTORS.—



1           (1) As authorized pursuant to 36 CFR 254.4  
2           and 254.7 Resolution Copper shall assume responsi-  
3           bility for—

4                   (A) hiring any contractors necessary for  
5                   carrying out the exchange of land under sub-  
6                   section (a) or a conveyance of land under sub-  
7                   section (c); and

8                   (B) paying (without compensation under  
9                   36 CFR 254.7)—

10                          (i) the costs of any appraisals relating  
11                          to the exchange and conveyance under sub-  
12                          sections (a), (b) and (c), including any rea-  
13                          sonable reimbursements to the Secretary  
14                          on request of the Secretary for the cost of  
15                          reviewing and approving an appraisal;

16                          (ii) the costs of any hazardous mate-  
17                          rials surveys and clearances and land sur-  
18                          veys, including any necessary land surveys  
19                          conducted by the Bureau of Land Manage-  
20                          ment Cadastral Survey; and

21                          (iii) any other cost agreed to by Reso-  
22                          lution Copper and the Secretary, or the  
23                          Secretary of the Interior.

24           (2) CONTRACTOR WORK AND APPROVALS.—

1 (A) IN GENERAL.—Any work relating to a  
2 conveyance or exchange that is performed by a  
3 contractor requiring review and approval by the  
4 United States shall be subject to the mutual  
5 agreement of the Secretary or the Secretary of  
6 the Interior, as appropriate, and Resolution  
7 Copper, including agreement with respect to—

8 (i) the selection of the contractor; and

9 (ii) the scope of the work performed

10 by the contractor.

11 (B) REVIEW AND APPROVAL.—Review and  
12 approval of any work by a contractor shall be  
13 performed by the Secretary or the Secretary of  
14 the Interior, as appropriate, in accordance with  
15 all applicable laws, rules and regulations.

16 (C) LEAD ACTOR AGREEMENT.—The Sec-  
17 retary and the Secretary of the Interior may  
18 mutually agree to designate the Secretary as  
19 the lead actor for any action under this sub-  
20 section.

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

22 (a) EXCHANGE VALUATION.—

23 (1) IN GENERAL.—The values of the lands to  
24 be exchanged under subsections 4(a) and (b), and  
25 the lands to be conveyed to the Town under section

1 4(c) (including any reversionary interest), shall be  
2 determined by the Secretary through concurrent ap-  
3 praisals conducted in accordance with paragraph  
4 (2).

5 (2) APPRAISALS.—

6 (A) IN GENERAL.—An appraisal under this  
7 section shall be—

8 (i) performed by an appraiser mutu-  
9 ally agreed to by the Secretary and Resolu-  
10 tion Copper;

11 (ii) performed in accordance with—

12 (I) the Uniform Appraisal Stand-  
13 ards for Federal Land Acquisitions  
14 (Department of Justice, 5th Edition,  
15 December 20, 2000);

16 (II) the Uniform Standards of  
17 Professional Appraisal Practice; and

18 (III) Forest Service appraisal in-  
19 structions; and

20 (iii) submitted to the Secretary for re-  
21 view and approval.

22 (B) REAPPRAISALS AND UPDATED AP-  
23 PRAISED VALUES.—After the final appraised  
24 value of a parcel is determined and approved  
25 under subparagraph (A), the Secretary shall

1 not be required to reappraise or update the  
2 final appraised value—

3 (i) for a period of 3 years after the  
4 approval by the Secretary of the final ap-  
5 praised value under subparagraph (A)(iii);  
6 or

7 (ii) in accordance with 36 CFR  
8 254.14, at all, after an exchange agree-  
9 ment is entered into by Resolution Copper  
10 and the Secretary.

11 (C) PUBLIC REVIEW.—Before carrying out  
12 a land exchange under section 4, the Secretary  
13 shall make available for public review a sum-  
14 mary of the appraisals of the land to be ex-  
15 changed.

16 (3) FAILURE TO AGREE.—If the Secretary and  
17 Resolution Copper fail to agree on the value of a  
18 parcel to be exchanged, the final value of the parcel  
19 shall be determined in accordance with section  
20 206(d) of the Federal Land Policy and Management  
21 Act of 1976 (43 U.S.C. 1716(d)).

22 (4) FEDERAL LAND.—The value of the Federal  
23 land conveyed to Resolution Copper under section  
24 4(a) shall be determined as if the land is

1 unencumbered by any unpatented mining claims of  
2 Resolution Copper.

3 (b) EQUALIZATION OF VALUE.—

4 (1) SURPLUS OF FEDERAL LAND VALUE.—

5 (A) IN GENERAL.—If the final appraised  
6 value of the Federal land exceeds the value of  
7 the non-Federal land in an exchange under sec-  
8 tion 4, Resolution Copper shall make a cash  
9 equalization payment to the Secretary to equal-  
10 ize the values of the Federal land and non-Fed-  
11 eral land.

12 (B) COMPLIANCE WITH FEDERAL LAND  
13 POLICY AND MANAGEMENT ACT.—A payment  
14 under subparagraph (A) may be in excess of an  
15 amount authorized under section 206(b) of the  
16 Federal Land Policy and Management Act of  
17 1976 (43 U.S.C. 1716(b)).

18 (C) DISPOSITION AND USE OF PRO-  
19 CEEDS.—

20 (i) DISPOSITION OF PROCEEDS.—Any  
21 cash equalization payments received by the  
22 Secretary under subparagraph (A) and any  
23 amounts received by the Secretary under  
24 paragraph (3) shall be deposited in the  
25 fund established by Public Law 90–171

1 (commonly known as the “Sisk Act”) (16  
2 U.S.C. 484a).

3 (ii) USE OF PROCEEDS.—Amounts de-  
4 posited under clause (i) shall be available  
5 to the Secretary, without further appro-  
6 priation, for the acquisition of land for ad-  
7 dition to the National Forest System in  
8 the State.

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

10 (A) IN GENERAL.—If the final appraised  
11 value of the non-Federal land exceeds the value  
12 of the Federal land in the exchange under sec-  
13 tion 4, the United States shall not be required  
14 to make a payment to Resolution Copper to  
15 equalize the values of the land.

16 (B) WAIVER.—As a condition of the land  
17 exchange under this Act, Resolution Copper has  
18 voluntarily agreed to:

19 (i) convey all right, title and interest  
20 of Resolution Copper in and to the non-  
21 Federal land parcels identified in section  
22 4(b) to the United States, regardless of  
23 value; and

1                   (ii) waive any cash equalization pay-  
2                   ment which might otherwise be due Reso-  
3                   lution Copper to equalize land values.

4                   (C) EFFECT OF WAIVER.—Any amount  
5                   waived under subparagraph (B) shall be consid-  
6                   ered to be a donation by Resolution Copper to  
7                   the United States.

8                   (3) PAYMENT FOR LAND CONVEYED TO  
9                   TOWN.—

10                   (A) IN GENERAL.—The Town shall pay the  
11                   Secretary market value for any land acquired  
12                   by the Town from the Secretary under section  
13                   4(e), as determined by the Secretary through  
14                   an appraisal conducted in accordance with sec-  
15                   tion 5(a)(2).

16                   (B) CREDIT.—If the appraisals under sec-  
17                   tion 5 indicate that the United States would  
18                   owe cash equalization to Resolution Copper,  
19                   notwithstanding the waiver of such cash equali-  
20                   zation payment by section 5(b)(2):

21                   (i) the Secretary of Agriculture shall  
22                   credit such waived amount against any  
23                   amount owed by the Town under subpara-  
24                   graph (A); and

1 (ii) the obligation of the Town to pay  
2 the United States under subparagraph (A)  
3 shall be reduced by the amount of the  
4 credit.

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

7 (a) IN GENERAL.—In recognition of the area’s im-  
8 portance to Apache Indian tribes and other members of  
9 the public, and in order to permanently protect the scenic,  
10 cultural, historic, educational and natural resource values  
11 of the Apache Leap Escarpment, as a condition of the land  
12 exchange under section 4(a), Resolution Copper shall de-  
13 liver to the Secretary an executed document reviewed by,  
14 and acceptable to, the Secretary which grants a permanent  
15 conservation easement to the easement area to one or  
16 more of the following grantees—

17 (1) a qualified unit of government or Indian  
18 tribe; or

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

22 (b) EASEMENT AREA.—The area of the conservation  
23 easement under this section shall be the surface estate of  
24 Apache Leap, comprising approximately 680 acres, as



1 generally depicted on the map referenced in section 3(1)  
2 of this Act..

3 (c) TERMS.—The conservation easement under this  
4 section shall—

5 (1) prohibit surface development of the ease-  
6 ment area by Resolution Copper, except for a fence,  
7 sign, monitoring device or instrument, or other im-  
8 provement for an administrative, public health and  
9 safety, or other appropriate purpose, as determined  
10 by Resolution Copper and the grantee or grantees;

11 (2) prohibit commercial mineral extraction  
12 under the easement area;

13 (3) provide for appropriate non-motorized pub-  
14 lic access to and use of the easement area, as deter-  
15 mined by the grantee or grantees; and

16 (4) may contain such other terms and condi-  
17 tions as the grantor and grantee or grantees, after  
18 consultation with the Town, the Secretary, inter-  
19 ested Apache Indian tribes, and other interested par-  
20 ties, may determine appropriate to conserve, protect,  
21 enhance and manage the cultural and historic re-  
22 sources of the area, and traditional uses of the ease-  
23 ment area by Apache Indian tribes.

24 (d) ADDITIONAL PROTECTIONS AND ACCESS.—

1           (1) IN GENERAL.—Not later than 3 years after  
2 the date of the conveyance of the Federal land under  
3 section 4(a), Resolution Copper and the grantee or  
4 grantees, in consultation with the Town, the Sec-  
5 retary, interested Apache Indian tribes, and other  
6 interested parties, shall determine whether the area  
7 covered by the conservation easement should be  
8 managed to establish additional cultural and historic  
9 resource protections or measures, including perma-  
10 nent or seasonal closures of a portion or portions of  
11 the easement area to protect cultural and archeo-  
12 logical resources, or for the establishment of addi-  
13 tional, or alternative to existing, public access routes  
14 trails, and trailheads to Apache Leap.

15           (2) COSTS OF ADDITIONAL PROTECTIONS OR  
16 ACCESS.—

17           (A) IN GENERAL.—If additional protec-  
18 tions or access, or alternative access, are deter-  
19 mined advisable under paragraph (1) Resolu-  
20 tion Copper shall pay all reasonable costs there-  
21 of, subject to subparagraph (B).

22           (B) LIMITATION.—The total cost to Reso-  
23 lution Copper under this subsection shall be not  
24 more than \$250,000.

25           (e) EASEMENT AND APPRAISAL.—

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

7           (2) EFFECT.—The market value of the con-  
8           servation easement and any amount paid by Resolu-  
9           tion Copper under subsection (d)(2) shall be consid-  
10          ered to be a donation by Resolution Copper to the  
11          United States .

12          (f) MINING ACTIVITIES.—

13           (1) IN GENERAL.—Except as provided in sub-  
14           section (c) and other Federal law (including regula-  
15           tions) applicable to mining activities on private land,  
16           the conservation easement shall not impose any ad-  
17           ditional restrictions on mining activities carried out  
18           by Resolution Copper outside the easement area  
19           after the date of conveyance under section 4(a).

20           (2) LIABILITY.—Resolution Copper shall not be  
21           liable for any damage to the easement area caused  
22           by future use or failure of any tunnel or other un-  
23           derground mining works established on the Federal  
24           land on or before the date of the conveyance under  
25           section 4(a).

1 (g) ROLE OF SECRETARY.—Unless otherwise agreed  
2 by the Secretary and Resolution Copper, the Secretary  
3 shall be consulted during preparation and drafting of the  
4 conservation easement and during the follow-up process  
5 set forth in section 6(d), but need not be—

6 (1) a party to the conservation easement under  
7 this section; or

8 (2) involved in monitoring or enforcement of  
9 the conservation easement.

10 (h) ADDITIONAL MANAGEMENT.—In order to provide  
11 protection for the full length of the Apache Leap escarp-  
12 ment, the Secretary shall additionally manage the approxi-  
13 mately 45 acres depicted as “the Notch” area on the map  
14 referenced in section 3(1) in a manner consistent with the  
15 conservation easement provisions of this section.

16 **SEC. 7. INCORPORATION, MANAGEMENT, AND STATUS OF**  
17 **ACQUIRED LAND.**

18 (a) LAND ACQUIRED BY THE SECRETARY.—

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

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

23 (B) be administered in accordance with the  
24 laws (including regulations) applicable to the  
25 National Forest System.

1           (2) BOUNDARIES.—For purposes of section 7 of  
2           the Land and Water Conservation Fund Act of 1965  
3           (16 U.S.C. 4601 et seq.), the boundaries of a Na-  
4           tional Forest in which land acquired by the Sec-  
5           retary is located shall be deemed to be the bound-  
6           aries of that forest as in existence on January 1,  
7           1965.

8           (3) JI RANCH.—Upon its acquisition by the  
9           United States, the land described in section  
10          4(b)(1)(D), and known as the JI Ranch, shall be  
11          managed by the Secretary of Agriculture so as to in-  
12          sure access to the land by Apache Indian tribes for  
13          acorn gathering and related activities. Upon request  
14          from an Apache Indian tribe or tribes, the Secretary  
15          of Agriculture may from time to time temporarily or  
16          seasonally close all or a portion of the land to gen-  
17          eral public access and use in order to protect the  
18          privacy of those engaging in such activities.

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

22                 (1) become part of the administrative unit (in-  
23                 cluding National Conservation Area, if applicable) or  
24                 other area within which the land is located; and

1           (2) be managed in accordance with the laws (in-  
2           cluding regulations) applicable to the administrative  
3           unit, National Conservation Area, or other area  
4           within which the land is located.

5           (c) WITHDRAWAL.—On acquisition by the United  
6           States of any land under this Act, subject to valid existing  
7           rights and without further action by the Secretary or the  
8           Secretary of the Interior, as appropriate, the acquired land  
9           is permanently withdrawn from all forms of entry and ap-  
10          propriation under—

11           (1) the public land laws (including the mining  
12           and mineral leasing laws); and

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

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

16           (a) OAK FLAT CAMPGROUND.—

17           (1) REPLACEMENT CAMPGROUND.—

18           (A) IN GENERAL.—Not later than 2 years  
19           after the date of enactment of this Act, the Sec-  
20           retary, in consultation with Resolution Copper,  
21           the Town, and other interested parties, shall de-  
22           sign and construct in the Globe Ranger District  
23           of the Tonto National Forest 1 or more replace-  
24           ment campgrounds for the Oak Flat Camp-

1 ground (including appropriate access routes to  
2 any replacement campgrounds).

3 (B) PUBLIC FACILITIES.—Any replacement  
4 campgrounds under this paragraph shall be de-  
5 signed and constructed in a manner that ade-  
6 quately (as determined in the sole discretion of  
7 the Secretary) replaces, or improves on, the fa-  
8 cilities, functions, and amenities available to the  
9 public at the Oak Flat Campground.

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

14 (3) INTERIM OAK FLAT CAMPGROUND AC-  
15 CESS.—

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

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

23 (ii) the date on which any replacement  
24 campgrounds under this subsection are de-  
25 veloped and opened for public use.

1 (B) LIABILITY.—During the interim period  
2 described in subparagraph (A), Resolution Cop-  
3 per shall not be liable for any public use of the  
4 Oak Flat Campground.

5 (4) CAMPGROUND DEFINED.—As used in this  
6 subsection, the term “Oak Flat campground” means  
7 the area comprising approximately 16 developed  
8 campsites, as generally depicted on a map entitled  
9 “Oak Flat Campground” and dated September  
10 2006.

11 (b) ROCK CLIMBING AREAS.—

12 (1) REPLACEMENT ROCK CLIMBING AREA.—

13 (A) IN GENERAL.—On request by the  
14 Board pursuant to Arizona Revised Statutes  
15 41-511, the Secretary of the Interior shall im-  
16 mediately convey to the Board the land de-  
17 scribed in subparagraph (B) for establishment  
18 of a State Park for public or recreational pur-  
19 poses under the Act of June 14, 1926 (com-  
20 monly known as the “Recreation and Public  
21 Purposes Act”) (43 U.S.C. 869 et seq.).

22 (B) DESCRIPTION OF LAND.—The land re-  
23 ferred to in subparagraph (A) is the approxi-  
24 mately 2,000 acres of land under the jurisdic-



1           tion of the Secretary of the Interior within the  
2           exterior boundary of the State Park.

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

6                   (i) the land conveyed to the Board  
7                   shall be used for the purpose of estab-  
8                   lishing the State Park, as authorized by  
9                   Arizona Revised Statutes 41-511.15 ; and

10                  (ii) the State Park shall be used for—

11                           (I) rock climbing;

12                           (II) bouldering; and

13                           (III) any other forms of outdoor  
14                           recreation and natural resource con-  
15                           servation as the Board determines to  
16                           be appropriate.

17           (D) CONSIDERATION.—

18                   (i) IN GENERAL.—Except as provided  
19                   in clause (ii) and in accordance with sec-  
20                   tion 2741.8 of title 43, Code of Federal  
21                   Regulations (or a successor regulation),  
22                   the conveyance of the land under subpara-  
23                   graph (A) shall be without monetary con-  
24                   sideration.

1                   (ii) EXCEPTION.—Notwithstanding  
2                   clause (i), the Board shall pay any reason-  
3                   able administrative costs incurred by the  
4                   Secretary of the Interior in making the  
5                   conveyance.

6                   (E) AUTOMATIC TRANSFER OF LAND.—  
7                   Once the State Park is established, the Drip-  
8                   ping Springs parcel identified in section  
9                   4(b)(2)(C), and any other land acquired by the  
10                  United States within the State Park’s exterior  
11                  boundaries by donation, exchange, or purchase  
12                  from a willing landowner, shall upon its acquisi-  
13                  tion, and without further action required by the  
14                  Secretary of the Interior, be transferred to the  
15                  Board for incorporation into the State Park.

16                  (F) MINERAL INTERESTS.—

17                  (i) IN GENERAL.—The United States  
18                  shall retain any mineral interests in the  
19                  land conveyed under subparagraph (A).

20                  (ii) WITHDRAWAL.—Beginning on the  
21                  date of enactment of this Act, and subject  
22                  to valid existing rights, the land described  
23                  in subparagraph (B) shall be permanently  
24                  withdrawn from all forms of entry and ap-  
25                  propriation under the mining and mineral

1 leasing laws, including the Geothermal  
2 Steam Act of 1970 (30 U.S.C. 1001 et  
3 seq.).

4 (G) FEES; CONCESSIONS CONTRACTS.—  
5 Nothing in this Act prohibits the Board from—

6 (i) charging reasonable entry or user  
7 fees for the State Park; or

8 (ii) entering into concession contracts  
9 to manage the State Park.

10 (H) REVERSION.—If the land conveyed  
11 under subparagraph (A) is used in a manner  
12 that is inconsistent with the uses described in  
13 subparagraph (D), the land shall, at the discre-  
14 tion of the Secretary of the Interior, revert to  
15 the United States.

16 (I) ADJACENT MANAGEMENT.—

17 (i) FINDING.—Congress finds that  
18 land in close proximity to the State Park  
19 is or has been the site of—

20 (I) mining or mining related ac-  
21 tivities or operations;

22 (II) livestock grazing; and

23 (III) agricultural activities.

24 (ii) NO PROTECTIVE PERIMETER OR  
25 BUFFER.—The establishment of the State

1 Park shall not create any protective perim-  
2 eter or buffer zone on Federal land around  
3 the State Park.

4 (iii) OTHER ACTIVITIES OR USES.—

5 The fact that non-park activities or uses  
6 can be seen or heard from areas within the  
7 State Park shall not preclude the conduct  
8 of those activities or uses under the laws of  
9 the United States outside the boundary of  
10 the State Park.

11 (J) EFFECT.—The establishment of the

12 State Park does not impose new or additional  
13 requirements or restrictions under the laws of  
14 the United States with respect to the permit-  
15 ting, management, or conduct of mining oper-  
16 ations and other activities outside the bound-  
17 aries of the State Park.

18 (2) STATE PARK ACCESS ROAD.—

19 (A) IN GENERAL.—To provide safe and

20 reasonable public access to the State Park, the  
21 Secretary of the Interior shall, immediately  
22 upon request by the Board, grant the Board a  
23 right-of-way for a State Park access road  
24 across any Federal lands on the route described  
25 in subparagraph (B).

1 (B) DESCRIPTION OF ROUTE.—The route  
2 referred to in subparagraph (A) is the route  
3 generally depicted as the “Tam O-Shanter Ac-  
4 cess Road” on the map entitled “Tam  
5 O’Shanter Access Road”, dated February 2006.

6 (C) CONDITION.—The road right-of way  
7 granted under subparagraph (A) shall be for an  
8 unpaved road, constructed or improved only to  
9 the extent that Secretary of the Interior, after  
10 consultation with the Board, determines is nec-  
11 essary to permit the safe passage of 2-wheel  
12 drive vehicles for public recreational access pur-  
13 poses to the State Park.

14 (D) LOCATION.—The exact location of the  
15 road right-of-way granted under subparagraph  
16 (A) may, at the sole discretion of the Secretary  
17 of the Interior, after consultation with the  
18 Board, be modified or realigned along the gen-  
19 eral route shown on the map described in sub-  
20 paragraph (B) if the Secretary of the Interior  
21 determines it necessary or appropriate.

22 (E) DEADLINE.—To the maximum extent  
23 practicable consistent with weather conditions,  
24 the road under subparagraph (A) shall be con-  
25 structed and completed by Resolution Copper or

1 the Board not later than 1 year after the grant-  
2 ing of the right-of-way to the Board.

3 (F) MANAGEMENT.—The Board shall  
4 manage and maintain the road and right-of-way  
5 beginning on the date on which the right-of-  
6 -way is granted to the Board.

7 (G) ROAD COSTS.—Prior to consummation  
8 of the land exchange under this Act, and as a  
9 condition of the exchange, Resolution Copper  
10 shall deposit with the Secretary of the Interior  
11 the sum of \$500,000, which shall, upon grant-  
12 ing of the right-of-way to the Board, be paid by  
13 the Secretary to the Board for road construc-  
14 tion and associated costs. Such amount shall be  
15 considered as a donation by Resolution Copper,  
16 and any additional amounts needed for road  
17 construction shall be provided by the Board.

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

19 (1) IN GENERAL.—Until the Federal land is  
20 transferred to Resolution Copper under section 4(a),  
21 the Secretary shall, subject to paragraphs (2) and  
22 (3), continue to administer and allow public access  
23 to, and use of, rock climbing sites on the Federal  
24 land, other than the excluded areas described in  
25 paragraph (2).

1           (2) EXCLUDED AREAS.—The excluded areas re-  
2           ferred to in paragraph (1) are the climbing sites on  
3           the Federal land known as the “Mine Area” and  
4           “Eurodog Valley” areas, as generally depicted on the  
5           map entitled “Mine Area, Eurodog Valley, and  
6           Magma Mine Road Closure Sites” and dated Feb-  
7           ruary 2006.

8           (3) CLOSURE TO PUBLIC USE.—

9           (A) IN GENERAL.—If any of the areas de-  
10          scribed in paragraph (2) have not been closed  
11          to public use as of the date of enactment of this  
12          Act, the areas shall be closed to public use on  
13          the date of enactment of this Act.

14          (B) MAGMA MINE ROAD.—

15          (i) IN GENERAL.—Except as provided  
16          in clause (ii), on the date of enactment of  
17          this Act, the Magma Mine Road shall be  
18          closed to further public use.

19          (ii) EXCEPTION.—The closure under  
20          clause (i) shall not apply to the road seg-  
21          ment of the Magma Mine Road needed to  
22          access the Oak Flat Campground during  
23          the period described in subsection  
24          (a)(3)(A).

1           (4) BOULDERBLAST COMPETITION.—During  
2           the period beginning on the date of enactment of  
3           this Act and ending on the date that is 5 years after  
4           the date of enactment of this Act, the Secretary in  
5           consultation with Resolution Copper, may issue not  
6           more than 1 special use permit per year to provide  
7           public access to the bouldering area on the Federal  
8           land for purposes of the annual “BoulderBlast”  
9           competition.

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

13 **SEC. 9. TRADITIONAL ACORN GATHERING AND RELATED**  
14                           **ACTIVITIES IN AND AROUND OAK FLAT**  
15                           **CAMPGROUND.**

16           (a) IN GENERAL.—In addition to the acorn gathering  
17           opportunities set forth in section 7(a)(3), it is the inten-  
18           tion of Congress that, if it is requested by an Apache In-  
19           dian tribe or tribes within six months after transfer of the  
20           Federal land to Resolution Copper, Resolution Copper  
21           shall endeavor to negotiate and execute a revocable au-  
22           thorization to the tribe or tribes concerned to use an area  
23           in and around the Oak Flat Campground for traditional  
24           acorn gathering and related activities.



1 (b) AREA AND TERMS.—The precise use area and  
2 terms shall be as agreed to by Resolution Copper and the  
3 tribe or tribes concerned, but may be modified or revoked  
4 by Resolution Copper if Resolution Copper determines  
5 that all or a portion of the authorized use area needs to  
6 be closed on a temporary or permanent basis—

- 7 (1) to protect the users' health and safety; or  
8 (2) to accommodate Resolution Copper's explo-  
9 ration or mining plans.

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

11 (a) REVOCATION OF ORDERS; WITHDRAWAL.—

12 (1) REVOCATION OF ORDERS.—Any public land  
13 order that withdraws the Federal land or the land  
14 to be conveyed to the Board under section 8(b)(1)  
15 from appropriation or disposal under a public land  
16 law shall be revoked to the extent necessary to per-  
17 mit disposal of the land.

18 (2) WITHDRAWAL.—On the date of enactment  
19 of this Act, if the Federal land and any applicable  
20 non-Federal land to be exchanged under this Act is  
21 not withdrawn or segregated from entry and appro-  
22 priation under a public land law (including mining  
23 and mineral leasing laws and the Geothermal Steam  
24 Act of 1970 (30 U.S.C. 1001 et seq.)), such land or  
25 lands shall be withdrawn from entry and appropria-

1 tion, subject to any right of Resolution Copper, until  
2 the date of the conveyance of the Federal land under  
3 section 4(a).

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

5 (1) MINOR ERRORS.—The Secretary or the Sec-  
6 retary of the Interior, as appropriate, Resolution  
7 Copper, or the Board, may by mutual agreement  
8 correct any minor errors in any map, acreage esti-  
9 mate, or description of any land conveyed or ex-  
10 changed under this Act.

11 (2) CONFLICT.—If there is a conflict between a  
12 map, an acreage estimate, or a description of land  
13 under this Act, the map shall control unless the Sec-  
14 retary, Resolution Copper, or the Board, as appro-  
15 priate, mutually agree otherwise.

16 (3) AVAILABILITY.—

17 (A) IN GENERAL.—On the date of enact-  
18 ment of this Act, the Secretary shall file and  
19 make available for public inspection in the Of-  
20 fice of the Supervisor, Tonto National Forest,  
21 any map referred to in this Act.

22 (B) OTHER MAPS.—Any maps accom-  
23 panying the State Park conveyance and road  
24 access under section 8 shall be made available

1 for public inspection in the Arizona Office of  
2 the Bureau of Land Management.

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