

110TH CONGRESS
1ST SESSION

H. R. 3301

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2007

Mr. PASTOR (for himself, Mr. FLAKE, Mr. MITCHELL, and Mr. SHADEGG) introduced the following bill; which was referred to the Committee on 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 2007”.

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 permanent protection of
 14 cultural and other resources of the Apache Leap Es-
 15 carpment 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 695 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 41–511.16, 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 plus the sum of \$7,500,000 as specified in subparagraph
20 (b)(3) of this Section, the Secretary shall convey to Reso-
21 lution Copper all right, title, and interest of the United
22 States in and to the Federal land, subject to any valid
23 existing right or title reservation, easement, or other ex-
24 ception required by law or agreed to by the Secretary and
25 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-
11 Federal 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-
17 Federal 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-
5 Federal Parcel-JI Ranch”, dated January
6 2005; 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-
21 Federal Parcel-Lower San Pedro River”, dated
22 January 2005; and

23 (B) the approximately 160 acres of land
24 located in Gila and Pinal Counties, Arizona, de-
25 picted on the map entitled “Southeast Arizona

1 Land Exchange and Conservation Act of
2 2005—Non-Federal Parcel-Dripping Springs”,
3 dated August 2005;

4 (3) in addition to the non-Federal lands speci-
5 fied in subparagraphs (1) and (2), Resolution Cop-
6 per shall pay into a special account in the Treasury
7 of the United States the sum of \$7,500,000, which
8 shall remain available without further appropriation,
9 to the Secretaries of Agriculture and the Interior as
10 they may jointly determine appropriate, for the ac-
11 quisition of lands or interests in land from willing
12 sellers within—

13 (A) the Coronado National Forest, Ari-
14 zona;

15 (B) the hydrographic boundary of the San
16 Pedro River and its tributaries, Arizona;

17 (C) the Las Cienegas National Conserva-
18 tion Area or lands within the hydrographic wa-
19 tersheds of Cienega Creek and Davidson Can-
20 yon in Pima and Santa Cruz Counties, Arizona;
21 or

22 (D) lands identified for preservation in the
23 Pima County Sonoran Desert Conservation
24 Plan, Arizona.

25 (c) CONVEYANCE OF LAND TO TOWN.—

1 (1) IN GENERAL.—If, within 90 days after con-
2 summation of the land exchange under this Act, the
3 Secretary receives a request from the Town for con-
4 veyance of one or more of the properties identified
5 in subparagraphs (A) through (C) of this paragraph,
6 the Secretary shall convey to the Town for a price
7 equal to market value, as appraised under section
8 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 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 Janu-
23 ary 2005; and

24 (C) all or a portion of the approximately
25 181 acres of land located in Pinal County, Ari-

1 zona, depicted on the map entitled “Southeast
2 Arizona Land Exchange and Conservation Act
3 of 2005—Federal Parcel-Superior Airport Con-
4 tiguous 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) EXCHANGE PROCESSING.—Prior to consum-
15 mating the land exchange under this Act, the Secretary,
16 or the Secretary of the Interior, as appropriate, shall com-
17 plete any necessary land surveys and required pre-ex-
18 change clearances, reviews, mitigation and approvals relat-
19 ing to threatened and endangered species, cultural and
20 historic resources, wetlands and floodplains and hazardous
21 materials.

22 (f) EXCHANGE COSTS AND CONTRACTORS.—

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

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

5 (B) paying (without compensation under
6 36 CFR 254.7)—

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

13 (ii) the costs of clearances, reviews,
14 mitigation and approvals under subsection
15 (e) of this Section, including any necessary
16 land surveys conducted by the Bureau of
17 Land Management Cadastral Survey; and

18 (iii) any other cost agreed to by Reso-
19 lution Copper and the Secretary, or the
20 Secretary of the Interior.

21 (2) CONTRACTOR WORK AND APPROVALS.—

22 (A) IN GENERAL.—Any work relating to a
23 conveyance or exchange that is performed by a
24 contractor requiring review and approval by the
25 United States shall be subject to the mutual

1 agreement of the Secretary or the Secretary of
2 the Interior, as appropriate, and Resolution
3 Copper, including agreement with respect to—

- 4 (i) the selection of the contractor; and
5 (ii) the scope of the work performed
6 by the contractor.

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

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

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

18 (a) EXCHANGE VALUATION.—

- 19 (1) IN GENERAL.—The values of the lands to
20 be exchanged under subsections 4(a) and (b), and
21 the lands to be conveyed to the Town under section
22 4(c) (including any reversionary interest), shall be
23 determined by the Secretary through concurrent ap-
24 praisals conducted in accordance with paragraph
25 (2).

1 (2) APPRAISALS.—

2 (A) IN GENERAL.—An appraisal under this
3 section shall be—

4 (i) performed by an appraiser mutu-
5 ally agreed to by the Secretary and Resolu-
6 tion Copper;

7 (ii) performed in accordance with—

8 (I) the Uniform Appraisal Stand-
9 ards for Federal Land Acquisitions
10 (Department of Justice, 5th Edition,
11 December 20, 2000);

12 (II) the Uniform Standards of
13 Professional Appraisal Practice; and

14 (III) Forest Service appraisal in-
15 structions; and

16 (iii) submitted to the Secretary for re-
17 view and approval.

18 (B) REAPPRAISALS AND UPDATED AP-
19 PRAISED VALUES.—After the final appraised
20 value of a parcel is determined and approved
21 under subparagraph (A), the Secretary shall
22 not be required to reappraise or update the
23 final appraised value—

24 (i) for a period of 3 years after the
25 approval by the Secretary of the final ap-

1 praised value under subparagraph (A)(iii);
2 or

3 (ii) in accordance with 36 CFR
4 254.14, at all, after an exchange agree-
5 ment is entered into by Resolution Copper
6 and the Secretary.

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

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

18 (4) FEDERAL LAND.—The value of the Federal
19 land conveyed to Resolution Copper under section
20 4(a) shall be determined as if the land is
21 unencumbered by any unpatented mining claims of
22 Resolution Copper.

23 (b) EQUALIZATION OF VALUE.—

24 (1) SURPLUS OF FEDERAL LAND VALUE.—

1 (A) IN GENERAL.—If the final appraised
2 value of the Federal land exceeds the value of
3 the non-Federal land plus the \$7,500,000 cash
4 payment under Section 4(b)(3), Resolution Cop-
5 per shall make a cash equalization payment to
6 the Secretary to equalize the values of the Fed-
7 eral land and non-Federal land.

8 (B) CASH EQUALIZATION AMOUNT.—A
9 payment under subparagraph (A) may be in ex-
10 cess of the amount authorized under section
11 206(b) of the Federal Land Policy and Manage-
12 ment Act of 1976 (43 U.S.C. 1716(b)).

13 (C) DISPOSITION AND USE OF PRO-
14 CEEDS.—

15 (i) DISPOSITION OF PROCEEDS.—Any
16 cash equalization payments received by the
17 Secretary under subparagraph (A) shall be
18 deposited in the fund established under
19 paragraph 4(b)(3) of this Act for use in
20 accordance with that paragraph.

21 (ii) SISK ACT.—Any amounts received
22 by the Secretary from the conveyance of
23 land to the Town of Superior under para-
24 graph (3) shall be deposited in the fund es-
25 tablished by Public Law 90–171 (com-

1 monly known as the “Sisk Act” (16 U.S.C.
2 484a) and shall be available to the Sec-
3 retary, without further appropriation, for
4 the acquisition of land for addition to the
5 National Forest System in the State.

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

7 (A) IN GENERAL.—If the final appraised
8 value of the non-Federal land plus the
9 \$7,500,000 cash payment under Section 4(b)(3)
10 exceeds the value of the Federal land in the ex-
11 change under section 4, the United States shall
12 not be required to make a payment to Resolu-
13 tion Copper to equalize the values of the land.

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

17 (i) convey all right, title and interest
18 of Resolution Copper in and to the non-
19 Federal land parcels identified in section
20 4(b) to the United States, plus the sum of
21 \$7,500,000 as provided in Section 4(b)(3),
22 regardless of value; and

23 (ii) waive any cash equalization pay-
24 ment which might otherwise be due Reso-
25 lution Copper from the United States

1 under section 206(b) of the Federal Land
2 Policy and Management Act of 1976 (43
3 U.S.C. 1716(b)) to equalize exchange val-
4 ues.

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

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

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

17 (B) CREDIT.—If the United States would
18 owe cash equalization to Resolution Copper
19 under section 5(b)(2), notwithstanding the
20 waiver of such cash equalization payment by
21 section 5(b)(2)—

22 (i) the Secretary of Agriculture shall
23 credit such waived amount against any
24 amount owed by the Town under subpara-
25 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 and Yavapai Indian tribes and other
9 members of the public, and in order to permanently pro-
10 tect the scenic, cultural, historic, educational and natural
11 resource values of the Apache Leap Escarpment, as a con-
12 dition of the land exchange under section 4(a), Resolution
13 Copper shall deliver to the Secretary an executed docu-
14 ment reviewed by, and acceptable to, the Secretary which
15 grants a permanent conservation easement to the ease-
16 ment area to one or 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 695 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 interested Apache and Yavapai In-
19 dian tribes, the Town, the Secretary, and other in-
20 terested parties, may determine appropriate to con-
21 serve, protect, enhance and manage the cultural and
22 historic resources of the area, and traditional uses of
23 the easement area by Apache and Yavapai Indian
24 tribes.

1 (d) ADDITIONAL PROTECTIONS AND ACCESS.—Not
2 later than 3 years after the date of the conveyance of the
3 Federal land under section 4(a), Resolution Copper and
4 the grantee or grantees, in consultation with interested
5 Apache and Yavapai Indian tribes, the Town, the Sec-
6 retary, and other interested parties, shall determine
7 whether the area covered by the conservation easement
8 should be managed to establish additional cultural and
9 historic resource protections or measures, including per-
10 manent or seasonal closures of a portion or portions of
11 the easement area to protect cultural and archeological re-
12 sources, or for the establishment of additional, or alter-
13 native to existing, public access routes, trails, and
14 trailheads to Apache Leap.

15 (e) EASEMENT AND APPRAISAL.—

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

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

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

3 (f) MINING ACTIVITIES.—Except as provided in sub-
4 section (e) and other Federal law (including regulations)
5 applicable to mining activities on private land, the con-
6 servation easement shall not impose any additional restric-
7 tions on mining activities carried out by Resolution Copper
8 outside the easement area after the date of conveyance
9 under section 4(a).

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

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

17 (2) involved in monitoring or enforcement of
18 the conservation easement.

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

1 (i) CONSERVATION EASEMENT ENDOWMENT.—As a
2 condition of the land exchange under this Act, Resolution
3 Copper shall pay to the conservation easement grantee or
4 grantees under this Section the sum of \$250,000, which
5 shall be used by the grantee or grantees for easement
6 monitoring, enforcement or other administration, or for
7 providing such additional protections, access or alternative
8 access as may be determined appropriate pursuant to sub-
9 section (d).

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 purchased by the Secretary pursuant to Sec-
16 tion 4(b)(3), shall—

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

19 (B) be administered with emphasis on pro-
20 tecting or enhancing its conservation values in
21 accordance with the laws (including regulations)
22 applicable to the National Forest System.

23 (2) BOUNDARIES.—For purposes of section 7 of
24 the Land and Water Conservation Fund Act of 1965
25 (16 U.S.C. 4601 et seq.), the boundaries of a Na-

1 tional Forest in which land acquired by the Sec-
2 retary is located shall be deemed to be the bound-
3 aries of that forest as in existence on January 1,
4 1965.

5 (3) JI RANCH.—Upon its acquisition by the
6 United States, the land described in section
7 4(b)(1)(D), and known as the JI Ranch, shall be
8 managed by the Secretary of Agriculture so as to in-
9 sure access to the land by Apache or Yavapai Indian
10 tribes for acorn gathering and related activities.
11 Upon request from an Apache or Yavapai Indian
12 tribe or tribes, the Secretary of Agriculture may
13 from time to time temporarily or seasonally close all
14 or a portion of the land to general public access and
15 use in order to protect the privacy of those engaging
16 in such activities.

17 (b) LAND ACQUIRED BY THE SECRETARY OF THE IN-
18 TERIOR.—Land acquired by the Secretary of the Interior
19 under this Act, including any land or interest in land pur-
20 chased by the Secretary of the Interior pursuant to Sec-
21 tion 4(b)(3), 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;

1 (2) be managed with emphasis on protecting or
2 enhancing its conservation values in accordance with
3 the laws (including regulations) applicable to the ad-
4 ministrative unit, National Conservation Area, or
5 other area within which the land is located; and

6 (3) with respect to the Lower San Pedro River
7 Parcel identified in Section 4(b)(2)(A), while such
8 land is not added to the San Pedro Riparian Na-
9 tional Conservation Area by this Act, it shall never-
10 theless be managed by the Secretary of the Interior
11 to preserve or enhance its presently existing natural
12 character and conservation values in accordance with
13 Subsections 102 (a) and (b) of Title I of the Ari-
14 zona-Idaho Conservation Act of 1988 (Public Law
15 100–696).

16 (c) WITHDRAWAL.—On acquisition by the United
17 States of any land under this Act, including any land or
18 interest in land purchased by the Secretary or the Sec-
19 retary of the Interior pursuant to section 4(b)(3), subject
20 to valid existing rights and without further action by the
21 Secretary or the Secretary of the Interior, as appropriate,
22 the acquired land is permanently withdrawn from all
23 forms of entry and appropriation 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 (4) CAMPGROUND DEFINED.—As used in this
18 subsection, the term “Oak Flat campground” means
19 the area comprising approximately 16 developed
20 campsites, as generally depicted on a map entitled
21 “Oak Flat Campground” and dated September
22 2006.

23 (b) ROCK CLIMBING AREAS.—

24 (1) REPLACEMENT ROCK CLIMBING AREA.—

1 (A) IN GENERAL.—On request by the
2 Board pursuant to Arizona Revised Statutes
3 41–511, the Secretary of the Interior shall im-
4 mediately convey to the Board the land de-
5 scribed in subparagraph (B) for establishment
6 of a State Park for public or recreational pur-
7 poses under the Act of June 14, 1926 (com-
8 monly known as the “Recreation and Public
9 Purposes Act”) (43 U.S.C. 869 et seq.).

10 (B) DESCRIPTION OF LAND.—The land re-
11 ferred to in subparagraph (A) is the approxi-
12 mately 2,000 acres of land under the jurisdic-
13 tion of the Secretary of the Interior within the
14 exterior boundary of the State Park.

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

18 (i) the land conveyed to the Board
19 shall be used for the purpose of estab-
20 lishing the State Park, as authorized by
21 Arizona Revised Statutes 41–511.16 ; and

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

23 (I) rock climbing;

24 (II) bouldering; and

1 (III) any other forms of outdoor
2 recreation and natural resource con-
3 servation as the Board determines to
4 be appropriate.

5 (D) CONSIDERATION.—

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

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

18 (E) AUTOMATIC TRANSFER OF LAND.—

19 Once the State Park is established, the Drip-
20 ping Springs parcel identified in section
21 4(b)(2)(B), and any other land acquired by the
22 United States within the State Park's exterior
23 boundaries by donation, exchange, or purchase
24 from a willing landowner, shall upon its acquisi-
25 tion, and without further action required by the

1 Secretary of the Interior, be transferred to the
2 Board for incorporation into the State Park.

3 (F) MINERAL INTERESTS.—

4 (i) IN GENERAL.—The United States
5 shall retain any mineral interests in the
6 land conveyed under subparagraph (A).

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

16 (G) FEES; CONCESSIONS CONTRACTS.—

17 Nothing in this Act prohibits the Board from—

18 (i) charging reasonable entry or user
19 fees for the State Park; or

20 (ii) entering into concession contracts
21 to manage the State Park.

22 (H) REVERSION.—If the land conveyed
23 under subparagraph (A) is used in a manner
24 that is inconsistent with the uses described in
25 subparagraph (D), the land shall, at the discre-

1 tion of the Secretary of the Interior, revert to
2 the United States.

3 (I) ADJACENT MANAGEMENT.—

4 (i) FINDING.—Congress finds that
5 land in close proximity to the State Park
6 is or has been the site of—

7 (I) mining or mining related ac-
8 tivities or operations;

9 (II) livestock grazing; and

10 (III) agricultural activities.

11 (ii) NO PROTECTIVE PERIMETER OR
12 BUFFER.—The establishment of the State
13 Park shall not create any protective perim-
14 eter or buffer zone on Federal land around
15 the State Park.

16 (iii) OTHER ACTIVITIES OR USES.—
17 The fact that non-park activities or uses
18 can be seen or heard from areas within the
19 State Park shall not preclude the conduct
20 of those activities or uses under the laws of
21 the United States outside the boundary of
22 the State Park.

23 (J) EFFECT.—The establishment of the
24 State Park does not impose new or additional
25 requirements or restrictions under the laws of

1 the United States with respect to the permit-
2 ting, management, or conduct of mining oper-
3 ations and other activities outside the bound-
4 aries of the State Park.

5 (2) STATE PARK ACCESS ROAD.—

6 (A) IN GENERAL.—To provide safe and
7 reasonable public access to the State Park, the
8 Secretary of the Interior shall, immediately
9 upon request by the Board, grant the Board a
10 right-of-way for a State Park access road
11 across any Federal lands on the route described
12 in subparagraph (B).

13 (B) DESCRIPTION OF ROUTE.—The route
14 referred to in subparagraph (A) is the route
15 generally depicted as the “Tam O’Shanter Ac-
16 cess Road” on the map entitled “Tam
17 O’Shanter Access Road”, dated February 2006.

18 (C) CONDITION.—The road right-of way
19 granted under subparagraph (A) shall be for an
20 unpaved road, constructed or improved only to
21 the extent that Secretary of the Interior, after
22 consultation with the Board, determines is nec-
23 essary to permit the safe passage of 2-wheel
24 drive vehicles for public recreational access pur-
25 poses to the State Park.

1 (D) LOCATION.—The exact location of the
2 road right-of-way granted under subparagraph
3 (A) may, at the sole discretion of the Secretary
4 of the Interior, after consultation with the
5 Board, be modified or realigned along the gen-
6 eral route shown on the map described in sub-
7 paragraph (B) if the Secretary of the Interior
8 determines it necessary or appropriate.

9 (E) DEADLINE.—To the maximum extent
10 practicable consistent with weather conditions,
11 the road under subparagraph (A) shall be con-
12 structed and completed by Resolution Copper or
13 the Board not later than 1 year after the grant-
14 ing of the right-of-way to the Board.

15 (F) MANAGEMENT.—The Board shall
16 manage and maintain the road and right-of-way
17 beginning on the date on which the right-of-
18 -way is granted to the Board.

19 (G) ROAD COSTS.—Prior to consummation
20 of the land exchange under this Act, and as a
21 condition of the exchange, Resolution Copper
22 shall deposit with the Secretary of the Interior
23 the sum of \$500,000, which shall, upon grant-
24 ing of the right-of-way to the Board, be paid by
25 the Secretary to the Board for road construc-

1 tion and associated costs. Such amount shall be
2 considered as a donation by Resolution Copper,
3 and any additional amounts needed for road
4 construction shall be provided by the Board.

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

6 (1) IN GENERAL.—Until the Federal land is
7 transferred to Resolution Copper under section 4(a),
8 the Secretary shall, subject to paragraphs (2) and
9 (3), continue to administer and allow public access
10 to, and use of, rock climbing sites on the Federal
11 land, other than the excluded areas described in
12 paragraph (2).

13 (2) EXCLUDED AREAS.—The excluded areas re-
14 ferred to in paragraph (1) are the climbing sites on
15 the Federal land known as the “Mine Area” and
16 “Eurodog Valley” areas, as generally depicted on the
17 map entitled “Mine Area, Eurodog Valley, and
18 Magma Mine Road Closure Sites” and dated Feb-
19 ruary 2006.

20 (3) CLOSURE TO PUBLIC USE.—

21 (A) IN GENERAL.—If any of the areas de-
22 scribed in paragraph (2) have not been closed
23 to public use as of the date of enactment of this
24 Act, the areas shall be closed to public use on
25 the date of enactment of this Act.

1 (B) MAGMA MINE ROAD.—

2 (i) IN GENERAL.—Except as provided
3 in clause (ii), on the date of enactment of
4 this Act, the Magma Mine Road shall be
5 closed to further public use.

6 (ii) EXCEPTION.—The closure under
7 clause (i) shall not apply to the road seg-
8 ment of the Magma Mine Road needed to
9 access the Oak Flat Campground during
10 the period described in subsection
11 (a)(3)(A).

12 (4) BOULDERBLAST COMPETITION.—During
13 the period beginning on the date of enactment of
14 this Act and ending on the date that is 5 years after
15 the date of enactment of this Act, the Secretary in
16 consultation with Resolution Copper, may issue not
17 more than 1 special use permit per year to provide
18 public access to the bouldering area on the Federal
19 land for purposes of the annual “BoulderBlast”
20 competition.

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

1 **SEC. 9. TRADITIONAL ACORN GATHERING AND RELATED**
2 **ACTIVITIES IN AND AROUND OAK FLAT**
3 **CAMPGROUND.**

4 (a) IN GENERAL.—In addition to the acorn gathering
5 opportunities set forth in section 7(a)(3), it is the inten-
6 tion of Congress that, if it is requested by an Apache or
7 Yavapai Indian tribe or tribes within six months after
8 transfer of the Federal land to Resolution Copper, Resolu-
9 tion Copper shall endeavor to negotiate and execute a rev-
10 ocaable authorization to the tribe or tribes concerned to use
11 an area in and around the Oak Flat Campground for tra-
12 ditional acorn gathering and related activities.

13 (b) AREA AND TERMS.—The precise use area and
14 terms shall be as agreed to by Resolution Copper and the
15 tribe or tribes concerned, but may be modified or revoked
16 by Resolution Copper if Resolution Copper determines,
17 after consultation with the users, that all or a portion of
18 the authorized use area needs to be closed on a temporary
19 or permanent basis—

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

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

24 (a) REVOCATION OF ORDERS; WITHDRAWAL.—

- 25 (1) REVOCATION OF ORDERS.—Any public land
26 order that withdraws the Federal land or the land

1 to be conveyed to the Arizona State Parks Board
2 under section 8(b)(1) from appropriation or disposal
3 under a public land law shall be revoked to the ex-
4 tent necessary to permit disposal of the land.

5 (2) WITHDRAWAL.—On the date of enactment
6 of this Act, if the Federal land and any applicable
7 non-Federal land to be exchanged under this Act is
8 not withdrawn or segregated from entry and appro-
9 priation under a public land law (including mining
10 and mineral leasing laws and the Geothermal Steam
11 Act of 1970 (30 U.S.C. 1001 et seq.)), such land or
12 lands shall be withdrawn from entry and appropri-
13 ation, subject to any right of Resolution Copper, until
14 the date of the conveyance of the Federal land under
15 section 4(a).

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

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

23 (2) CONFLICT.—If there is a conflict between a
24 map, an acreage estimate, or a description of land
25 under this Act, the map shall control unless the Sec-

1 retary, Resolution Copper, or the Board, as appro-
2 priate, mutually agree otherwise.

3 (3) AVAILABILITY.—

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

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

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