

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

S. 409

To secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Southeast Arizona
5 Land Exchange and Conservation Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APACHE LEAP.—The term “Apache Leap”
2 means the approximately 822 acres of land depicted
3 on the map entitled “Apache Leap” and dated Janu-
4 ary 2009.

5 (2) FEDERAL LAND.—The term “Federal land”
6 means the approximately 2,406 acres of land located
7 in Pinal County, Arizona, depicted on the map enti-
8 tled “Southeast Arizona Land Exchange and Con-
9 servation Act of 2009—Federal Parcel—Oak Flat”
10 and dated January 2009.

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

15 (4) NON-FEDERAL LAND.—The term “non-Fed-
16 eral land” means the parcels of land owned by Reso-
17 lution Copper that are described in section 4(a).

18 (5) OAK FLAT WITHDRAWAL AREA.—The term
19 “Oak Flat Withdrawal Area” means the approxi-
20 mately 760 acres of land depicted on the map enti-
21 tled “Oak Flat Withdrawal Area” and dated Janu-
22 ary 2009.

23 (6) RESOLUTION COPPER.—The term “Resolu-
24 tion Copper” means Resolution Copper Mining,
25 LLC, a Delaware limited liability company, includ-

1 ing any successor, assign, affiliate, member, or joint
2 venturer of Resolution Copper Mining, LLC.

3 (7) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 (8) STATE.—The term “State” means the State
6 of Arizona.

7 (9) TOWN.—The term “Town” means the town
8 of Superior, Arizona.

9 **SEC. 3. LAND EXCHANGE.**

10 (a) IN GENERAL.—Subject to the provisions of this
11 Act, if Resolution Copper offers to convey to the United
12 States all right, title, and interest of Resolution Copper
13 in and to the non-Federal land, and if the Secretary deter-
14 mines that the public interest would be well served by
15 making the exchange, the Secretary shall convey to Reso-
16 lution Copper, all right, title, and interest of the United
17 States in and to the Federal land.

18 (b) COMPLIANCE WITH APPLICABLE LAW.—

19 (1) IN GENERAL.—Except as otherwise pro-
20 vided in this Act, the Secretary shall carry out the
21 land exchange under this section in accordance with
22 section 206 of the Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1716) and other appli-
24 cable laws, including the National Environmental
25 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

1 (2) ENVIRONMENTAL REVIEW DOCUMENT.—

2 (A) IN GENERAL.—To the maximum ex-
3 tent practicable under the National Environ-
4 mental Policy Act of 1969 (42 U.S.C. 4321 et
5 seq.) and Council on Environmental Quality
6 regulations, the Secretary, in consultation with
7 the Secretary of the Interior and other affected
8 Federal agencies, shall prepare a single environ-
9 mental review document, which shall be used as
10 the basis for all decisions under Federal law re-
11 lated to the land exchange and connected agen-
12 cy decisions related to the proposed mine on the
13 Federal land.

14 (B) EFFECT OF PARAGRAPH.—Nothing in
15 this paragraph precludes the Secretary from
16 using separate environmental review documents
17 prepared in accordance with the National Envi-
18 ronmental Policy Act of 1969 (42 U.S.C. 4321
19 et seq.) or other applicable laws for exploration
20 or other activities not involving—

21 (i) the land exchange; or

22 (ii) the extraction of minerals in com-
23 mercial quantities by Resolution Copper on
24 or under the Federal land.

25 (c) CONDITIONS ON ACCEPTANCE.—

1 (1) TITLE.—Title to any non-Federal land con-
2 veyed by Resolution Copper to the United States
3 under this Act shall be in a form that is acceptable
4 to—

5 (A) the Secretary, for land to be adminis-
6 tered by the Forest Service; and

7 (B) the Secretary of the Interior, for land
8 to be administered by the Bureau of Land
9 Management.

10 (2) TERMS AND CONDITIONS.—The conveyance
11 of the Federal land and non-Federal land under this
12 Act shall be subject to such terms and conditions as
13 the Secretary and the Secretary of the Interior may
14 require.

15 (d) CONSULTATION WITH INDIAN TRIBES.—Prior to
16 making a public interest determination under subsection
17 (a), the Secretary shall engage in government-to-govern-
18 ment consultation with affected Indian tribes concerning
19 issues related to the exchange, in accordance with applica-
20 ble laws (including regulations).

21 (e) APPRAISALS.—

22 (1) IN GENERAL.—As soon as practicable after
23 the date of enactment of this Act, the Secretary and
24 Resolution Copper shall select an appraiser to con-

1 duct appraisals of the Federal land and non-Federal
2 land.

3 (2) REQUIREMENTS.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), an appraisal prepared under
6 paragraph (1) shall be conducted in accordance
7 with nationally recognized appraisal standards,
8 including—

9 (i) the Uniform Appraisal Standards
10 for Federal Land Acquisitions; and

11 (ii) the Uniform Standards of Profes-
12 sional Appraisal Practice.

13 (B) FINAL APPRAISED VALUE.—

14 (i) IN GENERAL.—After the final ap-
15 praised value is determined and approved
16 by the Secretary, the Secretary shall not
17 be required to reappraise or update the
18 final appraised value for a period of 3
19 years beginning on the date of the ap-
20 proval by the Secretary of the final ap-
21 praised value.

22 (ii) REAPPRAISAL.—Nothing in this
23 subparagraph precludes the Secretary,
24 prior to entering into an exchange agree-
25 ment with Resolution Copper, from requir-

1 ing a reappraisal or update of the final ap-
2 praisal if the Secretary determines that
3 such reappraisal or update is necessary.

4 (iii) IMPROVEMENTS.—Any improve-
5 ments made by Resolution Copper prior to
6 entering into an exchange agreement shall
7 not be included in the appraised value of
8 the Federal land.

9 (C) PUBLIC REVIEW.—Before imple-
10 menting the land exchange under this Act, the
11 Secretary shall make the appraisals of the land
12 to be exchanged (or a summary thereof) avail-
13 able for public review.

14 (3) ADDITIONAL APPRAISAL INFORMATION.—

15 (A) IN GENERAL.—The appraiser selected
16 under this subsection shall prepare a detailed
17 income capitalization approach analysis, in ac-
18 cordance with the appraisal requirements re-
19 ferred to in paragraph (2)(A), of the market
20 value of the Federal land, even if the income
21 capitalization approach analysis is not the ap-
22 praisal approach relied on by the appraiser to
23 determine the market value of the Federal land.

24 (B) INCLUSION IN FINAL APPRAISAL RE-
25 PORT.—The income capitalization approach

1 analysis under subparagraph (A) shall be in-
2 cluded in the final appraisal report of the Fed-
3 eral land.

4 (f) EQUAL VALUE LAND EXCHANGE.—

5 (1) IN GENERAL.—The value of the Federal
6 land and non-Federal land to be exchanged under
7 this Act shall be equal or shall be equalized in ac-
8 cordance with this subsection.

9 (2) SURPLUS OF FEDERAL LAND VALUE.—

10 (A) IN GENERAL.—If the final appraised
11 value of the Federal land exceeds the value of
12 the non-Federal land, Resolution Copper
13 shall—

14 (i) convey additional non-Federal land
15 in the State to the Secretary or the Sec-
16 retary of the Interior, consistent with the
17 requirements of this Act and subject to the
18 approval of the applicable Secretary;

19 (ii) make a cash payment to the
20 United States; or

21 (iii) use a combination of the methods
22 described in clauses (i) and (ii), as agreed
23 to by Resolution Copper, the Secretary,
24 and the Secretary of the Interior.

1 (B) AMOUNT OF PAYMENT.—The Sec-
2 retary may accept a payment in excess of 25
3 percent of the total value of the land or inter-
4 ests conveyed, notwithstanding section 206(b)
5 of the Federal Land Policy and Management
6 Act of 1976 (43 U.S.C. 1716(b)).

7 (C) DISPOSITION AND USE OF PRO-
8 CEEDS.—Any amounts received by the United
9 States under this paragraph shall be deposited
10 in the fund established under Public Law 90-
11 171 (commonly known as the “Sisk Act”) (16
12 U.S.C. 484a) and shall be made available to the
13 Secretary, without further appropriation, for
14 the acquisition of land for addition to the Na-
15 tional Forest System in the State.

16 (3) SURPLUS OF NON-FEDERAL LAND.—If the
17 final appraised value of the non-Federal land ex-
18 ceeds the value of the Federal land—

19 (A) the United States shall not make a
20 payment to Resolution Copper to equalize the
21 value; and

22 (B) except as provided in section 9, the
23 surplus value of the non-Federal land shall be
24 considered to be a donation by Resolution Cop-
25 per to the United States.

1 (g) OAK FLAT WITHDRAWAL AREA.—

2 (1) IN GENERAL.—Subject to the provisions of
3 this subsection and notwithstanding any withdrawal
4 of the Oak Flat Withdrawal Area from the mining,
5 mineral leasing, or public land laws, the Secretary
6 may authorize Resolution Copper to carry out min-
7 eral exploration activities—

8 (A) under the Oak Flat Withdrawal Area,
9 so long as such activities would not disturb the
10 surface of the area; and

11 (B) on the Oak Flat Withdrawal Area (but
12 not within the Oak Flat Campground), so long
13 as such activities are conducted from a single
14 exploratory drill pad.

15 (2) CONDITIONS.—Any activities undertaken in
16 accordance with this subsection shall be subject to
17 such terms and conditions as the Secretary may re-
18 quire.

19 (3) TERMINATION.—The authorization for Res-
20 olution Copper to undertake mineral exploration ac-
21 tivities under this subsection shall terminate on the
22 earlier of—

23 (A) the date the land is conveyed to Reso-
24 lution Copper in accordance with this Act; or

1 (B) the date that is 3 years after the date
2 a special use permit is issued in accordance
3 with this subsection.

4 (h) COSTS.—As a condition of the land exchange,
5 Resolution Copper shall agree to pay, without compensa-
6 tion, any costs that are—

7 (1) associated with the land exchange; and

8 (2) agreed to by the Secretary.

9 (i) INTENT OF CONGRESS.—

10 (1) IN GENERAL.—It is the intent of Congress
11 that the Secretary shall complete any necessary envi-
12 ronmental reviews and public interest determination
13 on the land exchange not later than 3 years after
14 the date Resolution Copper submits a mining plan of
15 operation to the Secretary.

16 (2) AGREEMENT.—If the Secretary determines
17 that the public interest would be well served by mak-
18 ing the land exchange, it is the intent of Congress
19 that the Secretary seek to enter into an exchange
20 agreement not later than 90 days after the date of
21 the public interest determination.

22 **SEC. 4. CONVEYANCE AND MANAGEMENT OF NON-FEDERAL**
23 **LAND.**

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

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

4 (A) the approximately 147 acres of land lo-
5 cated in Gila County, Arizona, depicted on the
6 map entitled “Southeast Arizona Land Con-
7 servation Act of 2009–Non-Federal Parcel–Tur-
8 key Creek” and dated January 2009;

9 (B) the approximately 148 acres of land
10 located in Yavapai County, Arizona, depicted on
11 the map entitled “Southeast Arizona Land Con-
12 servation Act of 2009–Non-Federal Parcel–
13 Tangle Creek” and dated January 2009;

14 (C) the approximately 149 acres of land lo-
15 cated in Maricopa County, Arizona, depicted on
16 the map entitled “Southeast Arizona Land Con-
17 servation Act of 2009–Non-Federal Parcel–
18 Cave Creek” and dated January 2009;

19 (D) the approximately 640 acres of land
20 located in Coconino County, Arizona, depicted
21 on the map entitled “Southeast Arizona Land
22 Exchange and Conservation Act of 2009–Non-
23 Federal Parcel–East Clear Creek” and dated
24 January 2009;

1 (E) the approximately 95 acres of land lo-
2 cated in Pinal County, Arizona, depicted on the
3 map entitled “Southeast Arizona Land Con-
4 servation Act of 2009–Non-Federal Parcel–The
5 Pond” and dated January 2009; and

6 (F) the approximately 110 acres of land lo-
7 cated in Pinal County, Arizona, depicted on the
8 map entitled “Southeast Arizona Land Con-
9 servation Act of 2009–Non-Federal Parcel–
10 Apache Leap South End” and dated January
11 2009, subject to the retained right of Resolu-
12 tion Copper to conduct underground activities
13 that—

14 (i) the Secretary determines would not
15 disturb the surface of Apache Leap; and

16 (ii) do not involve commercial mineral
17 extraction under Apache Leap; and

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

21 (A) the approximately 3,050 acres of land
22 located in Pinal County, Arizona, identified as
23 “Lands to DOI” as generally depicted on the
24 map entitled “Lower San Pedro River” and
25 dated June 3, 2009;

1 (B) the approximately 160 acres of land
2 located in Gila and Pinal Counties, Arizona,
3 identified as “Lands to DOI” as generally de-
4 picted on the map entitled “Dripping Springs”
5 and dated June 3, 2009; and

6 (C) the approximately 940 acres of land lo-
7 cated in Santa Cruz County, Arizona, identified
8 as “Lands to DOI” as generally depicted on the
9 map entitled “Appleton Ranch” and dated June
10 3, 2009.

11 (b) MANAGEMENT OF ACQUIRED LAND.—

12 (1) LAND ACQUIRED BY THE SECRETARY.—

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

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

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

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

24 (C) LAND AND WATER CONSERVATION
25 FUND.—For purposes of section 7 of the Land

1 and Water Conservation Fund Act of 1965 (16
2 U.S.C. 4601–9), the boundaries of a national
3 forest in which land acquired by the Secretary
4 is located shall be deemed to be the boundaries
5 of that forest as in existence on January 1,
6 1965.

7 (2) LAND ACQUIRED BY THE SECRETARY OF
8 THE INTERIOR.—

9 (A) SAN PEDRO RIPARIAN NATIONAL CON-
10 SERVATION AREA.—

11 (i) IN GENERAL.—The following land
12 shall be added to, and administered as part
13 of, the San Pedro Riparian National Con-
14 servation Area in accordance with the laws
15 (including regulations) applicable to the
16 Conservation Area:

17 (I) The land acquired by the Sec-
18 retary of the Interior under subsection
19 (a)(2)(A).

20 (II) Any land acquired by the
21 Secretary of the Interior which is ad-
22 jacent to the San Pedro Riparian Na-
23 tional Conservation Area.

24 (ii) MANAGEMENT PLAN.—Not later
25 than 2 years after the date on which the

1 land is acquired, the Secretary of the Inte-
2 rior shall update the management plan for
3 the San Pedro Riparian National Con-
4 servation Area to reflect the management
5 requirements of the acquired land.

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

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

19 (c) SURRENDER OF RIGHTS.—In addition to the con-
20 veyance of the non-Federal land conveyed to the United
21 States under this Act, and as a condition of the land ex-
22 change, Resolution Copper shall surrender to the United
23 States, without compensation, the rights held by Resolu-
24 tion Copper under the mining laws and other laws of the
25 United States to commercially extract minerals under—

- 1 (1) Apache Leap; and
2 (2) the property described in subsection
3 (a)(1)(E) (commonly known as “The Pond”).

4 **SEC. 5. RECREATIONAL ACCESS AND IMPROVEMENTS.**

5 (a) RECREATIONAL ACCESS AND FACILITIES.—

6 (1) IN GENERAL.—As a condition of the land
7 exchange under this Act, Resolution Copper shall
8 pay to the Secretary \$1,250,000, to improve access
9 and facilities for dispersed recreation and other out-
10 door recreational activities as provided in paragraph
11 (2).

12 (2) USE OF AMOUNTS.—The Secretary shall use
13 the amount paid in accordance with paragraph (1),
14 without further appropriation, to construct or im-
15 prove road access, turnouts, trails, parking areas, or
16 facilities for dispersed recreation and other outdoor
17 recreational activities as the Secretary determines to
18 be appropriate.

19 (3) PREFERRED LOCATIONS.—To the maximum
20 extent practicable, the funds made available under
21 this subsection shall be used by the Secretary on na-
22 tional forest land—

23 (A) in the general area north of Arizona
24 State Highway 60; or

1 (B) in the general area along Arizona
2 State Highway 177.

3 (b) DETERMINATION OF VALUE.—Amounts paid by
4 Resolution Copper under this section shall not be consid-
5 ered in determining the value of the Federal and non-Fed-
6 eral land under section 3(f).

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

8 (a) ANNUAL PRODUCTION REPORTING.—

9 (1) IN GENERAL.—As a condition of the ex-
10 change, beginning on February 15 of the first cal-
11 endar year beginning after the date of commence-
12 ment of production of valuable locatable minerals in
13 commercial quantities from the Federal land con-
14 veyed to Resolution Copper under section 3, and an-
15 nually thereafter, Resolution Copper shall file with
16 the Secretary of the Interior a report indicating the
17 quantity of locatable minerals produced in commer-
18 cial quantities from the Federal land during the pre-
19 ceding calendar year.

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

1 (b) PAYMENT ON PRODUCTION.—If the cumulative
2 production of valuable locatable minerals produced in com-
3 mercial quantities from the Federal land conveyed to Res-
4 olution Copper under section 3 exceeds the quantity of
5 production of locatable minerals from the Federal land
6 used in the income capitalization approach analysis pre-
7 pared under section 3(e)(3), Resolution Copper shall pay
8 to the United States, by not later than March 15 of each
9 applicable calendar year, a value adjustment payment for
10 the quantity of excess production at the same rate as-
11 sumed for the income capitalization approach analysis pre-
12 pared under section 3(e)(3).

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

18 (d) USE OF FUNDS.—The funds paid to the United
19 States under this section shall be deposited in the fund
20 established under Public Law 90-171 (commonly known
21 as the “Sisk Act”) (16 U.S.C. 484a) and shall be made
22 available to the Secretary, without further appropriation,
23 for the acquisition of land for addition to the National
24 Forest System in the State.

1 **SEC. 7. WITHDRAWAL.**

2 Subject to valid existing rights, Apache Leap and any
3 land acquired by the United States under this Act is with-
4 drawn from all forms of—

5 (1) entry, appropriation, or disposal under the
6 public land laws;

7 (2) location, entry, and patent under the mining
8 laws; and

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

11 **SEC. 8. APACHE LEAP.**

12 (a) MANAGEMENT.—

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

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

25 (3) FENCES; SIGNAGE.—The Secretary may
26 allow use of the surface of Apache Leap for installa-

1 tion of fences, signs, or other measures necessary to
2 protect the health and safety of the public, protect
3 resources located on Apache Leap, or to ensure that
4 activities conducted under paragraph (2) do not af-
5 fect the surface of Apache Leap.

6 (b) PLAN.—

7 (1) IN GENERAL.—Not later than 3 years after
8 the date of enactment of this Act, the Secretary, in
9 consultation with applicable Indian tribes, the Town,
10 Resolution Copper, and other interested members of
11 the public, shall prepare a management plan for
12 Apache Leap.

13 (2) CONSIDERATIONS.—In preparing the plan
14 under paragraph (1), the Secretary shall consider
15 whether additional measures are necessary to—

16 (A) protect the cultural, archaeological, or
17 historical resources of Apache Leap, including
18 permanent or seasonal closures of all or a por-
19 tion of Apache Leap; and

20 (B) provide access for recreation.

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

22 (a) CONVEYANCES.—

23 (1) IN GENERAL.—On request from the Town
24 and subject to the provisions of this section, the Sec-
25 retary shall convey to the Town the following:

1 (A) Approximately 30 acres of land as de-
2 picted on the map entitled “Southeast Arizona
3 Land Exchange and Conservation Act of 2009–
4 Federal Parcel–Fairview Cemetery” and dated
5 January 2009.

6 (B) The reversionary interest and any re-
7 served mineral interest of the United States in
8 the approximately 265 acre of land located in
9 Pinal County, Arizona, as depicted on the map
10 entitled “Southeast Arizona Land Exchange
11 and Conservation Act of 2009–Federal Rever-
12 sionary Interest–Superior Airport” and dated
13 January 2009.

14 (C) The approximately 250 acres of land
15 located in Pinal County, Arizona, as depicted
16 on the map entitled “Southeast Arizona Land
17 Exchange and Conservation Act of 2009–Fed-
18 eral Parcel–Superior Airport Contiguous Par-
19 cels” and dated January 2009.

20 (b) PAYMENT.—

21 (1) IN GENERAL.—The Town shall pay to the
22 Secretary the fair market value for each parcel of
23 land or interest in land acquired under this section,
24 as determined by appraisals conducted in accordance
25 with section 3(e).

1 (2) REDUCTION.—If the final appraised value
2 of the non-Federal land exceeds the value of the
3 Federal land under section 3—

4 (A) the obligation of the Town to pay the
5 United States shall be reduced by an amount
6 not to exceed the excess value of the non-Fed-
7 eral land conveyed to the United States; and

8 (B) the amount donated by Resolution
9 Copper to the United States shall be reduced
10 accordingly.

11 (c) SISK ACT.—Any payment received by the Sec-
12 retary from the Town under this section shall be deposited
13 in the fund established under Public Law 90-171 (com-
14 monly known as the “Sisk Act”) (16 U.S.C. 484a) and
15 shall be made available to the Secretary, without further
16 appropriation, for the acquisition of land for addition to
17 the National Forest System in the State.

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