

110TH CONGRESS
1ST SESSION

S. 1862

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

IN THE SENATE OF THE UNITED STATES

JULY 24, 2007

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; 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. Arizona Land Fund.
- 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; and

7 (2) to provide for—

8 (A) the conveyance of certain land from
 9 the Secretary concerned to the Arizona State
 10 Parks Board for the establishment of a new
 11 State park in Gila and Pinal Counties, Arizona,
 12 to be used for rock climbing and other rec-
 13 reational purposes; and

14 (B) the permanent protection of cultural
 15 and other resources and uses of the Apache
 16 Leap escarpment located in close proximity to
 17 the Town of Superior, Arizona.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) APACHE LEAP.—The term “Apache Leap”
 21 means the approximately 695 acres of land referred

1 to as the “Apache Leap Conservation Easement
2 Area” on the map entitled “Apache Leap Conserva-
3 tion Easement Area”, dated November 2006.

4 (2) ARIZONA LAND FUND.—The term “Arizona
5 Land Fund” means the fund established by section
6 9(a).

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

10 (4) ELIGIBLE CONSIDERATION.—The term “eli-
11 gible consideration” means consideration—

12 (A) conveyed by Resolution Copper to the
13 Secretary concerned in accordance with the
14 land exchange described in section 4(a); and

15 (B) comprised of—

16 (i) all right, title, and interest of Res-
17 olution Copper in and to the non-Federal
18 land that is acceptable to the Secretary
19 concerned, as appropriate; and

20 (ii) an amount of not less than
21 \$7,500,000.

22 (5) FEDERAL LAND.—The term “Federal land”
23 means the approximately 3,025 acres of land located
24 in Pinal County, Arizona, depicted on the map enti-
25 tled “Southeast Arizona Land Exchange and Con-

1 servation Act of 2005-Federal Parcel-Oak Flat”,
2 dated January 2005.

3 (6) GRANTEE.—The term “grantee” means the
4 1 or more entities that are granted the permanent
5 conservation easement under section 6(a).

6 (7) MAP.—The term “map” means the map en-
7 titled “Southeast Arizona Land Exchange and Con-
8 servation Act of 2005-Federal Parcel-Oak Flat”,
9 dated January 2005.

10 (8) NON-FEDERAL LAND.—The term “non-Fed-
11 eral land” means the land described in section
12 4(b)(1).

13 (9) NOTCH.—The term “Notch” means the ap-
14 proximately 45 acres of land referred to as the
15 “Notch” on the map entitled “Apache Leap Con-
16 servation Easement Area”, dated November 2006.

17 (10) OAK FLAT CAMPGROUND.—The term “Oak
18 Flat Campground” means the campground that is—

19 (A) comprised of approximately 16 devel-
20 oped campsites; and

21 (B) generally depicted on the map entitled
22 “Oak Flat Campground”, dated September
23 2006.

24 (11) RESOLUTION COPPER.—The term “Reso-
25 lution Copper” means—

1 (A) Resolution Copper Mining, LLC, a
2 Delaware limited liability company; and

3 (B) any successor, assign, affiliate, mem-
4 ber, or joint venturer of Resolution Copper Cop-
5 per Mining, LLC.

6 (12) SECRETARY.—The term “Secretary”
7 means Secretary of Agriculture.

8 (13) SECRETARY CONCERNED.—The term
9 “Secretary concerned” means—

10 (A) the Secretary of Agriculture (acting
11 through the Chief of the Forest Service), with
12 respect to National Forest System land; and

13 (B) the Secretary of the Interior, with re-
14 spect to land managed by the Bureau of Land
15 Management (including land held for the ben-
16 efit of an Indian tribe).

17 (14) STATE.—The term “State” means the
18 State of Arizona.

19 (15) STATE PARK.—The term “State Park”
20 means the proposed rock climbing State park—

21 (A) authorized under Ariz. Rev. Stat. §
22 41–511.16 (2007); and

23 (B) as depicted on the map entitled “Tam
24 O’Shanter Area State Park” and dated Sep-
25 tember 22, 2006.

1 (16) TOWN.—The term “Town” means the
2 Town of Superior, Arizona, which is an incorporated
3 municipality.

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

5 (a) IN GENERAL.—On receipt of an offer from Reso-
6 lution Copper to convey to the Secretary concerned the
7 eligible consideration, the Secretary shall convey to Reso-
8 lution Copper all right, title, and interest of the United
9 States in and to the Federal land, subject to any valid
10 existing right or title reservation, easement, or other ex-
11 ception required by law or agreed to by the Secretary and
12 Resolution Copper.

13 (b) RESOLUTION COPPER LAND EXCHANGE.—

14 (1) CONVEYANCE OF LAND.—On receipt of title
15 to the Federal land under subsection (a), Resolution
16 Copper shall simultaneously convey—

17 (A) to the Secretary, all right, title, and in-
18 terest that the Secretary determines to be ac-
19 ceptable in and to—

20 (i) the approximately 147 acres of
21 land located in Gila County, Arizona, de-
22 picted on the map entitled “Southeast Ari-
23 zona Land Exchange and Conservation Act
24 of 2005-Non-Federal Parcel-Turkey
25 Creek”, dated January 2005;

1 (ii) the approximately 148 acres of
2 land located in Yavapai County Arizona,
3 depicted on the map entitled “Southeast
4 Arizona Land Exchange and Conservation
5 Act of 2005-Non-Federal Parcel-Tangle
6 Creek”, dated January 2005;

7 (iii) the approximately 149.3 acres of
8 land located in Maricopa County, Arizona,
9 depicted on the map entitled “Southeast
10 Arizona Land Exchange and Conservation
11 Act of 2005-Non-Federal Parcel-Cave
12 Creek”, dated January 2005;

13 (iv) the approximately 266 acres of
14 land located in Pinal County, Arizona, de-
15 picted on the map entitled “Southeast Ari-
16 zona Land Exchange and Conservation Act
17 of 2005-Non-Federal Parcel-JI Ranch”,
18 dated January 2005; and

19 (v) the approximately 640 acres of
20 land located in Coconino County, Arizona,
21 depicted on the map entitled “Southeast
22 Arizona Land Exchange and Conservation
23 Act of 2005-Non-Federal Parcel-East
24 Clear Creek”, dated August 2005; and

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

5 (i) the approximately 3,073 acres of
6 land located in Pinal County, Arizona, de-
7 picted on the map entitled “Lower San
8 Pedro River Parcel”, dated May 31, 2006;
9 and

10 (ii) the approximately 160 acres of
11 land located in Gila and Pinal Counties,
12 Arizona, depicted on the map entitled
13 “Southeast Arizona Land Exchange and
14 Conservation Act of 2005-Non-Federal
15 Parcel-Dripping Springs”, dated August
16 2005.

17 (2) PAYMENT OF AMOUNT.—On receipt of title
18 to the Federal land under subsection (a), as a condi-
19 tion of the conveyance authorized under subsection
20 (a), Resolution Copper shall pay to the Secretary of
21 the Treasury for deposit into the Arizona Land
22 Fund the amount of \$7,500,000.

23 (c) CONVEYANCE OF LAND TO TOWN.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 not later than 90 days after the date on which the

1 exchange under subsection (a) is consummated, on
2 receipt of a request from the Town for any parcel
3 of land described in paragraph (2), the Secretary
4 shall convey to the Town, for a price equal to mar-
5 ket value, as appraised under section 5, each parcel
6 of land that the Town requests.

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

9 (A) the approximately 30 acres of land lo-
10 cated in Pinal County, Arizona, occupied on the
11 date of enactment of this Act by the Fairview
12 Cemetery and depicted on the map entitled
13 “Southeast Arizona Land Exchange and Con-
14 servation Act of 2005-Federal Parcel-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 Reversionary
22 Interest-Superior Airport”, dated January
23 2005; and

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

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

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

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

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

18 (1) hiring any contractors determined by the
19 Secretary to be necessary for carrying out an ex-
20 change or conveyance under subsection (a), (b), or
21 (c); and

22 (2) paying, without compensation—

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

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

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

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

11 (f) CONTRACTOR WORK AND APPROVALS.—

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

17 (A) the selection of the contractor; and

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

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

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

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

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

4 (a) EXCHANGE VALUATION.—

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

11 (2) APPRAISALS.—

12 (A) IN GENERAL.—An appraisal under this
13 section shall be—

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

17 (ii) performed in accordance with—

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

22 (II) the Uniform Standards of
23 Professional Appraisal Practice; and

24 (III) Forest Service appraisal in-
25 structions; and

1 (iii) submitted to the Secretary for re-
2 view and approval.

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

9 (i) for a period of 3 years after the
10 approval by the Secretary of the final ap-
11 praised value under subparagraph (A)(iii);
12 or

13 (ii) at all, after an exchange agree-
14 ment is entered into by Resolution Copper
15 and the Secretary.

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

21 (3) FAILURE TO AGREE.—If the Secretary and
22 Resolution Copper fail to agree on the value of a
23 parcel to be exchanged, the final value of the parcel
24 shall be determined in accordance with section

1 206(d) of the Federal Land Policy and Management
2 Act of 1976 (43 U.S.C. 1716(d)).

3 (4) FEDERAL LAND.—The value of the Federal
4 land conveyed to Resolution Copper under section
5 4(a) shall be determined as if the land is
6 unencumbered by any unpatented mining claims of
7 Resolution Copper.

8 (b) EQUALIZATION OF VALUE.—

9 (1) 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 consideration, Resolution Cop-
13 per shall make a cash equalization payment to
14 the Secretary to equalize the values of the Fed-
15 eral land and non-Federal consideration.

16 (B) AMOUNT OF PAYMENT.—Notwith-
17 standing section 206(b) of the Federal Land
18 Policy and Management Act of 1976 (43 U.S.C.
19 1716(b)), the Secretary may accept a cash
20 equalization payment under subparagraph (A)
21 in an amount that is greater than 25 percent
22 of the value of the Federal land.

23 (C) DISPOSITION AND USE OF PRO-
24 CEEDS.—

25 (i) DISPOSITION OF PROCEEDS.—

1 (I) CASH EQUALIZATION PAY-
2 MENTS.—Any cash equalization pay-
3 ments received by the Secretary con-
4 cerned under subparagraph (A) shall,
5 without further appropriation, be de-
6 posited in the Arizona Land Fund.

7 (II) PAYMENT FOR LAND CON-
8 VEYED TO TOWN.—Any amounts re-
9 ceived by the Secretary concerned
10 under paragraph (3) shall be depos-
11 ited in the fund established by Public
12 Law 90–171 (commonly known as the
13 “Sisk Act”) (16 U.S.C. 484a).

14 (ii) USE OF PROCEEDS.—

15 (I) CASH EQUALIZATION PAY-
16 MENTS.—Amounts deposited under
17 clause (i)(I) shall be available and ex-
18 pended in accordance with section
19 9(b).

20 (II) PAYMENT FOR LAND CON-
21 VEYED TO TOWN.—Amounts deposited
22 under clause (i)(II) shall be available
23 to the Secretary concerned, without
24 further appropriation, and until ex-

1 pended, for the acquisition of land or
2 interests in land located in the State.

3 (2) SURPLUS OF VALUE RELATING TO NON-
4 FEDERAL CONSIDERATION.—If the final appraised
5 value of the non-Federal eligible consideration ex-
6 ceeds the value of the Federal land involved in the
7 exchange under section 4—

8 (A) the Secretary shall not make a pay-
9 ment to Resolution Copper to equalize the val-
10 ues of the land; and

11 (B) the surplus value of the non-Federal
12 consideration shall be considered a donation by
13 Resolution Copper to the United States.

14 (3) PAYMENT FOR LAND CONVEYED TO
15 TOWN.—

16 (A) IN GENERAL.—The Town shall pay the
17 Secretary market value for any land acquired
18 by the Town from the Secretary under section
19 4(e), as determined by the Secretary through
20 an appraisal conducted in accordance with sub-
21 section (a)(2).

22 (B) CREDIT.—If the final appraised value
23 of the non-Federal consideration exceeds the
24 value of the Federal land in the exchange under
25 section 4, the obligation of the Town to pay the

1 United States under subparagraph (A) shall be
2 reduced by an amount equal to the excess value
3 of the non-Federal consideration.

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

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

13 (1) a qualified unit of government or Indian
14 tribe; or

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

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

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

23 (1) shall—

24 (A) prohibit surface development of the
25 easement area by Resolution Copper, except for

1 a fence, sign, monitoring device, or other im-
2 provement for an administrative, public health
3 and safety, or other appropriate purpose, as de-
4 termined by Resolution Copper and any grantee
5 of the conservation easement;

6 (B) prohibit commercial mineral extraction
7 under the easement area; and

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

12 (2) may contain such other terms and condi-
13 tions as the grantor or grantee of the conservation
14 easement, in consultation with the Town, interested
15 Indian tribes, and any other interested Yavapai and
16 Apache party, determines to be appropriate to con-
17 serve, protect, enhance, and manage the cultural and
18 historic resources and traditional uses of the ease-
19 ment area.

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

25 (1) to monitor the easement;

1 (2) to enforce the borders of the easement;

2 (3) to carry out any administrative activity re-
3 lating to the easement; and

4 (4) to provide such additional protections, ac-
5 cess, or alternative access as may be determined ap-
6 propriate pursuant to subsection (f).

7 (e) ROLE OF SECRETARY.—

8 (1) IN GENERAL.—The Secretary—

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

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

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

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

21 (2) ADDITIONAL MANAGEMENT.—The Secretary
22 may manage the Notch in accordance with the terms
23 of the conservation easement under this section.

24 (f) ADDITIONAL PROTECTIONS AND ACCESS.—Not
25 later than 3 years after the date of the conveyance of the

1 Federal land under section 4(a), Resolution Copper and
2 the grantee, in consultation with the Town, interested
3 Yavapai and Apache Indian tribes, and other interested
4 parties, shall determine whether the area covered by the
5 conservation easement should be managed to establish—

6 (1) additional cultural and historical resource
7 protections or measures, including permanent or sea-
8 sonal closures of any portion of the easement area
9 to protect cultural or archeological resources; or

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

12 (g) EASEMENT AND APPRAISAL.—

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

19 (2) EFFECT.—The market value of the con-
20 servation easement and any amount paid by Resolu-
21 tion Copper under subsection (d) shall be considered
22 to be a donation by Resolution Copper to the United
23 States.

24 (h) MINING ACTIVITIES.—Except as provided in sub-
25 section (e) and other Federal law (including regulations)

1 relating to mining activities on private land, the conserva-
2 tion easement shall not impose any additional restrictions
3 on mining activities carried out by Resolution Copper out-
4 side of the easement area after the date of the conveyance
5 under section 4(a).

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

8 (a) LAND ACQUIRED BY THE SECRETARY.—

9 (1) IN GENERAL.—Land acquired by the Sec-
10 retary under this Act, including any land or interest
11 in land acquired by the Secretary under section 4(a)
12 shall—

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

15 (B) be administered in accordance with the
16 laws (including regulations) applicable to the
17 National Forest System.

18 (2) BOUNDARIES.—For purposes of section 7 of
19 the Land and Water Conservation Fund Act of 1965
20 (16 U.S.C. 4601 et seq.), the boundaries of a Na-
21 tional Forest in which land acquired by the Sec-
22 retary concerned is located shall be deemed to be the
23 boundaries of that forest as in existence on January
24 1, 1965.

25 (3) MANAGEMENT OF JI RANCH.—

1 (A) IN GENERAL.—On the date on which
 2 the Secretary of the Interior acquires the JI
 3 Ranch parcel described in section
 4 4(b)(1)(A)(iv), the Secretary concerned shall
 5 manage the land to allow Yavapai and Apache
 6 Indian tribes—

- 7 (i) to access the land; and
 8 (ii) to undertake traditional activities
 9 relating to the gathering of acorns.

10 (B) AUTHORITY OF SECRETARY OF THE
 11 INTERIOR.—Upon request from the Yavapai or
 12 Apache Indian tribe, the Secretary of the Inte-
 13 rior may temporarily or seasonally close to the
 14 public any portion of the land described in sec-
 15 tion 4(b)(1) during the period in which the
 16 Yavapai or Apache Indian tribe undertakes any
 17 activity described in subparagraph (A)(ii).

18 (b) LAND ACQUIRED BY THE SECRETARY OF THE IN-
 19 TERIOR.—

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

- 22 (A) become part of the administrative unit
 23 (including the national conservation area, if ap-
 24 plicable) or other area within which the land is
 25 located; and

1 (B) be managed in accordance with the
 2 laws (including regulations) applicable to the
 3 administrative unit, national conservation area,
 4 or other area within which the land is located.

5 (2) LAND LOCATED IN CLOSE PROXIMITY TO
 6 LOWER SAN PEDRO RIVER.—To preserve and en-
 7 hance the natural character and conservation value
 8 of the land described in section 4(b)(1)(B)(i), the
 9 Secretary of the Interior shall manage the land in
 10 accordance with subsections (a) and (b) of section
 11 102 of the Arizona-Idaho Conservation Act of 1988
 12 (16 U.S.C. 460xx-1).

13 (c) WITHDRAWAL.—On acquisition by the United
 14 States of any land under this Act, subject to valid existing
 15 rights and without further action by the Secretary con-
 16 cerned, the acquired land is permanently withdrawn from
 17 all forms of entry and appropriation under—

18 (1) the public land laws (including the mining
 19 and mineral leasing laws); and

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

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

23 (a) OAK FLAT CAMPGROUND.—

24 (1) REPLACEMENT CAMPGROUND.—

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

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

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

21 (3) INTERIM OAK FLAT CAMPGROUND AC-
22 CESS.—

23 (A) IN GENERAL.—The document con-
24 veying the Federal land to Resolution Copper
25 under section 4(a) shall specify that the Sec-

1 retary shall continue to operate and maintain
2 the Oak Flat Campground until the earlier of—

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

5 (ii) the date on which any replacement
6 campgrounds under this subsection are de-
7 veloped and opened for public use.

8 (B) LIABILITY.—During the interim period
9 described in subparagraph (A), Resolution Cop-
10 per shall not be liable for any public use of the
11 Oak Flat Campground.

12 (b) ROCK CLIMBING AREAS.—

13 (1) REPLACEMENT ROCK CLIMBING AREA.—

14 (A) IN GENERAL.—On request by the
15 Board, acting pursuant to an authorization
16 from the State legislature, as soon as prac-
17 ticable after the request, the Secretary of the
18 Interior shall convey to the Board the land de-
19 scribed in subparagraph (B) for establishment
20 of the State Park for public or recreational pur-
21 poses under the Act of June 14, 1926 (com-
22 monly known as the “Recreation and Public
23 Purposes Act”) (43 U.S.C. 869 et seq.).

24 (B) DESCRIPTION OF LAND.—The land re-
25 ferred to in subparagraph (A) is the approxi-

1 mately 2,000 acres of land under the jurisdic-
2 tion of the Secretary of the Interior within the
3 exterior boundary of the State Park.

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

7 (i) the land conveyed to the Board
8 shall be used for the purpose of estab-
9 lishing the State Park, as authorized by
10 the State legislature; and

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

12 (I) rock climbing;

13 (II) bouldering; and

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

18 (D) CONSIDERATION.—

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

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

5 (E) AUTOMATIC TRANSFER OF LAND.—On
6 the date on which the State Park is established,
7 the parcel of land described in section
8 4(b)(1)(B)(ii), and any other parcel of land that
9 is located within the State Park and purchased
10 by the United States from a willing seller, shall
11 be transferred to the Board for incorporation
12 into the State Park.

13 (F) MINERAL INTERESTS.—

14 (i) IN GENERAL.—The United States
15 shall retain any mineral interests in the
16 land conveyed under subparagraph (A).

17 (ii) WITHDRAWAL.—Beginning on the
18 date of enactment of this Act, and subject
19 to valid existing rights, the land described
20 in subparagraph (B) shall be permanently
21 withdrawn from all forms of entry and ap-
22 propriation under the mining and mineral
23 leasing laws, including the Geothermal
24 Steam Act of 1970 (30 U.S.C. 1001 et
25 seq.).

1 (G) FEES; CONCESSIONS CONTRACTS.—

2 Nothing in this Act prohibits the Board from—

3 (i) charging reasonable entry or user
4 fees for the State Park; or

5 (ii) entering into concession contracts
6 to manage the State Park.

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

13 (I) ADJACENT MANAGEMENT.—

14 (i) FINDING.—Congress finds that
15 land in close proximity to the State Park
16 is or has been the site of—

17 (I) mining or mining related ac-
18 tivities or operations;

19 (II) livestock grazing; and

20 (III) agricultural activities.

21 (ii) NO PROTECTIVE PERIMETER OR
22 BUFFER.—The establishment of the State
23 Park shall not create any protective perim-
24 eter or buffer zone around the State Park.

1 (iii) OTHER ACTIVITIES OR USES.—

2 The fact that non-park activities or uses
3 can be seen or heard from areas within the
4 State Park shall not preclude the conduct
5 of those activities or uses outside the
6 boundary of the State Park.

7 (J) EFFECT.—The establishment of the
8 State Park does not impose new or additional
9 requirements or restrictions under the laws of
10 the United States with respect to the permit-
11 ting, management, or conduct of mining oper-
12 ations and other activities outside the bound-
13 aries of the State Park.

14 (2) STATE PARK ACCESS ROAD.—

15 (A) IN GENERAL.—To provide safe and
16 reasonable public access to the State Park, on
17 request by the Board, the Secretary of the Inte-
18 rior shall grant the Board a right-of-way for the
19 construction of an access road on the route de-
20 scribed in subparagraph (B).

21 (B) DESCRIPTION OF ROUTE.—The route
22 referred to in subparagraph (A) is the route
23 generally depicted as the “Tam O-Shanter Ac-
24 cess Road” on the map entitled “Tam
25 O’Shanter Access Road”, dated February 2006.

1 (C) CONDITION.—The road authorized
2 under subparagraph (A) shall be an unpaved
3 road, constructed or improved only to the ex-
4 tent that Secretary of the Interior, after con-
5 sultation with the Board, determines is nec-
6 essary to permit the safe passage of 2-wheel
7 drive vehicles for public recreational access pur-
8 poses.

9 (D) LOCATION.—The exact location of the
10 road authorized under subparagraph (A) may,
11 at the sole discretion of the Secretary of the In-
12 terior, after consultation with the Board, be
13 modified or realigned along the general route
14 shown on the map described in subparagraph
15 (B).

16 (E) DEADLINE.—To the maximum extent
17 practicable consistent with weather conditions,
18 the road under subparagraph (A) shall be com-
19 pleted not later than 1 year after the date of
20 conveyance of the land described in paragraph
21 (1)(B) to the Board.

22 (F) MANAGEMENT.—The Board shall
23 manage and maintain the road and right-of-way
24 beginning on the date on which the road is
25 completed.

1 (G) ROAD COSTS.—

2 (i) PAYMENT BY RESOLUTION COP-
3 PER.—As a condition of the conveyance
4 authorized under section 4(a), Resolution
5 Copper shall pay to the Secretary of the
6 Interior \$500,000 to be used for the con-
7 struction of any road under this para-
8 graph.

9 (ii) PAYMENT BY SECRETARY OF THE
10 INTERIOR.—On the date of receipt of the
11 amount paid to the Secretary of the Inte-
12 rior by Resolution Copper under clause (i),
13 the Secretary of the Interior shall pay to
14 the Board an amount equal to the amount
15 received by Resolution Copper to be used
16 for the construction of any road under this
17 paragraph.

18 (iii) ADDITIONAL COSTS.—The Board
19 shall be responsible for each cost in excess
20 of the amount paid by the Secretary of the
21 Interior to the Board relating to the con-
22 struction and maintenance of any road
23 under this paragraph.

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

1 (1) IN GENERAL.—Until the Federal land is
2 transferred to Resolution Copper under section 4(a),
3 the Secretary of the Interior shall, subject to para-
4 graphs (2) and (3), continue to administer and allow
5 public access to, and use of, rock climbing sites on
6 the Federal land, other than the excluded areas de-
7 scribed in paragraph (2).

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

15 (3) CLOSURE TO PUBLIC USE.—

16 (A) IN GENERAL.—If any of the areas de-
17 scribed in paragraph (2) have not been closed
18 to public use as of the date of enactment of this
19 Act, the areas shall be closed to public use on
20 the date of enactment of this Act.

21 (B) MAGMA MINE ROAD.—

22 (i) IN GENERAL.—Except as provided
23 in clause (ii), on the date of enactment of
24 this Act, the Magma Mine Road shall be
25 closed to further public use.

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

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

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

19 **SEC. 9. ARIZONA LAND FUND.**

20 (a) ESTABLISHMENT.—There is established in the
21 Treasury of the United States a fund (referred to in this
22 section as the “Fund”), consisting of the amounts paid
23 by Resolution Copper to the Secretary of the Treasury
24 under sections 4(b)(2) and 5(b)(1).

25 (b) EXPENDITURES FROM FUND.—

1 (1) IN GENERAL.—Subject to paragraph (2), on
2 a joint request by the Secretary and the Secretary
3 of the Interior, the Secretary of the Treasury shall
4 transfer from the Fund to the Secretary such
5 amounts as the Secretary and the Secretary of the
6 Interior determine are necessary to purchase land,
7 or interests in land, under subsection (c).

8 (2) ADMINISTRATIVE EXPENSES.—An amount
9 not exceeding 2 percent of the amounts in the Fund
10 shall be available for each fiscal year to pay the ad-
11 ministrative expenses necessary to carry out this
12 Act.

13 (c) USES OF FUND.—The Secretary and the Sec-
14 retary of the Interior shall jointly use amounts in the
15 Fund to purchase from willing sellers land, including in-
16 terests in land, that is—

17 (1) located within the hydrographic boundary of
18 the San Pedro River (including tributaries of the
19 San Pedro River); or

20 (2) determined by the Secretary and the Sec-
21 retary of the Interior to be an acquisition priority in
22 the State.

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

24 (a) REVOCATION OF ORDERS; WITHDRAWAL.—

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

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

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

17 (1) MINOR ERRORS.—The Secretary concerned,
18 Resolution Copper, or the Board, may by mutual
19 agreement correct any minor errors in any map,
20 acreage estimate, or description of any land con-
21 veyed or exchanged under this Act.

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

1 retary concerned, Resolution Copper, or the Board,
2 as appropriate, 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.

○