

112TH CONGRESS
1ST SESSION

H. R. 1904

AN ACT

To facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Southeast Arizona Land Exchange and Conservation Act
4 of 2011”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Land exchange.
- Sec. 5. Conveyance and management of non-Federal land.
- Sec. 6. Value adjustment payment to United States.
- Sec. 7. Withdrawal.
- Sec. 8. Apache leap.
- Sec. 9. Conveyances to town of Superior, Arizona.
- Sec. 10. Miscellaneous provisions.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

9 (1) the land exchange furthers public objectives
10 referenced in section 206 of the Federal Land Policy
11 and Management Act of 1976 (43 U.S.C. 1716) in-
12 cluding—

13 (A) promoting significant job and other
14 economic opportunities in a part of the State of
15 Arizona that has a long history of mining, but
16 is currently experiencing high unemployment
17 rates and economic difficulties;

18 (B) facilitating the development of a world-
19 class domestic copper deposit capable of meet-
20 ing a significant portion of the annual United
21 States demand for this strategic and important

1 mineral, in an area which has already been sub-
2 ject to mining operations;

3 (C) significantly enhancing Federal, State,
4 and local revenue collections in a time of severe
5 governmental budget shortfalls;

6 (D) securing Federal ownership and pro-
7 tection of land with significant fish and wildlife,
8 recreational, scenic, water, riparian, cultural,
9 and other public values;

10 (E) assisting more efficient Federal land
11 management via Federal acquisition of land for
12 addition to the Las Cienegas and San Pedro
13 National Conservation Areas, and to the Tonto
14 and Coconino National Forests;

15 (F) providing opportunity for community
16 expansion and economic diversification adjacent
17 to the towns of Superior, Miami, and Globe, Ar-
18 izona; and

19 (G) protecting the cultural resources and
20 other values of the Apache Leap escarpment lo-
21 cated near Superior, Arizona; and

22 (2) the land exchange is, therefore, in the pub-
23 lic interest.

1 (b) PURPOSE.—It is the purpose of this Act to au-
2 thorize, direct, facilitate, and expedite the exchange of
3 land between Resolution Copper and the United States.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) APACHE LEAP.—The term “Apache Leap”
7 means the approximately 807 acres of land depicted
8 on the map entitled “Southeast Arizona Land Ex-
9 change and Conservation Act of 2011–Apache Leap”
10 and dated March 2011.

11 (2) FEDERAL LAND.—The term “Federal land”
12 means the approximately 2,422 acres of land located
13 in Pinal County, Arizona, depicted on the map enti-
14 tled “Southeast Arizona Land Exchange and Con-
15 servation Act of 2011–Federal Parcel–Oak Flat”
16 and dated March 2011.

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

21 (4) NON-FEDERAL LAND.—The term “non-Fed-
22 eral land” means the parcels of land owned by Reso-
23 lution Copper that are described in section 5(a) and,
24 if necessary to equalize the land exchange under sec-
25 tion 4, section 4(e)(2)(A)(i).

1 (5) OAK FLAT CAMPGROUND.—The term “Oak
2 Flat Campground” means the approximately 50
3 acres of land comprising approximately 16 developed
4 campsites depicted on the map entitled “Southeast
5 Arizona Land Exchange and Conservation Act of
6 2011–Oak Flat Campground” and dated March
7 2011.

8 (6) OAK FLAT WITHDRAWAL AREA.—The term
9 “Oak Flat Withdrawal Area” means the approxi-
10 mately 760 acres of land depicted on the map enti-
11 tled “Southeast Arizona Land Exchange and Con-
12 servation Act of 2011–Oak Flat Withdrawal Area”
13 and dated March 2011.

14 (7) RESOLUTION COPPER.—The term “Resolu-
15 tion Copper” means Resolution Copper Mining,
16 LLC, a Delaware limited liability company, includ-
17 ing any successor, assign, affiliate, member, or joint
18 venturer of Resolution Copper Mining, LLC.

19 (8) SECRETARY.—The term “Secretary” means
20 the Secretary of Agriculture.

21 (9) STATE.—The term “State” means the State
22 of Arizona.

23 (10) TOWN.—The term “Town” means the in-
24 corporated town of Superior, Arizona.

1 **SEC. 4. LAND EXCHANGE.**

2 (a) IN GENERAL.—Subject to the provisions of this
3 Act, if Resolution Copper offers to convey to the United
4 States all right, title, and interest of Resolution Copper
5 in and to the non-Federal land, the Secretary is authorized
6 and directed to convey to Resolution Copper, all right,
7 title, and interest of the United States in and to the Fed-
8 eral land.

9 (b) CONDITIONS ON ACCEPTANCE.—Title to any non-
10 Federal land conveyed by Resolution Copper to the United
11 States under this Act shall be in a form that—

12 (1) is acceptable to the Secretary, for land to
13 be administered by the Forest Service and the Sec-
14 retary of the Interior, for land to be administered by
15 the Bureau of Land Management; and

16 (2) conforms to the title approval standards of
17 the Attorney General of the United States applicable
18 to land acquisitions by the Federal Government.

19 (c) CONSULTATION WITH INDIAN TRIBES.—If not
20 undertaken prior to enactment of this Act, within 30 days
21 of the date of enactment of this Act, the Secretary shall
22 engage in government-to-government consultation with af-
23 fected Indian tribes concerning issues related to the land
24 exchange, in accordance with applicable laws (including
25 regulations).

26 (d) APPRAISALS.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of this Act, the Secretary and
3 Resolution Copper shall select an appraiser to con-
4 duct appraisals of the Federal land and non-Federal
5 land in compliance with the requirements of section
6 254.9 of title 36, Code of Federal Regulations.

7 (2) REQUIREMENTS.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), an appraisal prepared under
10 this subsection shall be conducted in accordance
11 with nationally recognized appraisal standards,
12 including—

13 (i) the Uniform Appraisal Standards
14 for Federal Land Acquisitions; and

15 (ii) the Uniform Standards of Profes-
16 sional Appraisal Practice.

17 (B) FINAL APPRAISED VALUE.—After the
18 final appraised values of the Federal land and
19 non-Federal land are determined and approved
20 by the Secretary, the Secretary shall not be re-
21 quired to reappraise or update the final ap-
22 praised value—

23 (i) for a period of 3 years beginning
24 on the date of the approval by the Sec-
25 retary of the final appraised value; or

1 (ii) at all, in accordance with section
2 254.14 of title 36, Code of Federal Regula-
3 tions (or a successor regulation), after an
4 exchange agreement is entered into by Res-
5 olution Copper and the Secretary.

6 (C) IMPROVEMENTS.—Any improvements
7 made by Resolution Copper prior to entering
8 into an exchange agreement shall not be in-
9 cluded in the appraised value of the Federal
10 land.

11 (D) PUBLIC REVIEW.—Before consum-
12 mating the land exchange under this Act, the
13 Secretary shall make the appraisals of the land
14 to be exchanged (or a summary thereof) avail-
15 able for public review.

16 (3) APPRAISAL INFORMATION.—The appraisal
17 prepared under this subsection shall include a de-
18 tailed income capitalization approach analysis of the
19 market value of the Federal land which may be uti-
20 lized, as appropriate, to determine the value of the
21 Federal land, and shall be the basis for calculation
22 of any payment under section 6.

23 (e) EQUAL VALUE LAND EXCHANGE.—

24 (1) IN GENERAL.—The value of the Federal
25 land and non-Federal land to be exchanged under

1 this Act shall be equal or shall be equalized in ac-
2 cordance with this subsection.

3 (2) SURPLUS OF FEDERAL LAND VALUE.—

4 (A) IN GENERAL.—If the final appraised
5 value of the Federal land exceeds the value of
6 the non-Federal land, Resolution Copper
7 shall—

8 (i) convey additional non-Federal land
9 in the State to the Secretary or the Sec-
10 retary of the Interior, consistent with the
11 requirements of this Act and subject to the
12 approval of the applicable Secretary;

13 (ii) make a cash payment to the
14 United States; or

15 (iii) use a combination of the methods
16 described in clauses (i) and (ii), as agreed
17 to by Resolution Copper, the Secretary,
18 and the Secretary of the Interior.

19 (B) AMOUNT OF PAYMENT.—The Sec-
20 retary may accept a payment in excess of 25
21 percent of the total value of the land or inter-
22 ests conveyed, notwithstanding section 206(b)
23 of the Federal Land Policy and Management
24 Act of 1976 (43 U.S.C. 1716(b)).

1 (C) DISPOSITION AND USE OF PRO-
2 CEEDS.—Any amounts received by the United
3 States under this subparagraph shall be depos-
4 ited in the fund established under Public Law
5 90–171 (commonly known as the “Sisk Act”;
6 16 U.S.C. 484a) and shall be made available, in
7 such amounts as are provided in advance in ap-
8 propriation Acts, to the Secretary for the acqui-
9 sition of land for addition to the National For-
10 est System.

11 (3) SURPLUS OF NON-FEDERAL LAND.—If the
12 final appraised value of the non-Federal land ex-
13 ceeds the value of the Federal land—

14 (A) the United States shall not make a
15 payment to Resolution Copper to equalize the
16 value; and

17 (B) except as provided in section
18 9(b)(2)(B), the surplus value of the non-Fed-
19 eral land shall be considered to be a donation
20 by Resolution Copper to the United States.

21 (f) OAK FLAT WITHDRAWAL AREA.—

22 (1) PERMITS.—Subject to the provisions of this
23 subsection and notwithstanding any withdrawal of
24 the Oak Flat Withdrawal Area from the mining,
25 mineral leasing, or public land laws, the Secretary,

1 upon enactment of this Act, shall issue to Resolution
2 Copper—

3 (A) if so requested by Resolution Copper,
4 within 30 days of such request, a special use
5 permit to carry out mineral exploration activi-
6 ties under the Oak Flat Withdrawal Area from
7 existing drill pads located outside the Area, if
8 the activities would not disturb the surface of
9 the Area; and

10 (B) if so requested by Resolution Copper,
11 within 90 days of such request, a special use
12 permit to carry out mineral exploration activi-
13 ties within the Oak Flat Withdrawal Area (but
14 not within the Oak Flat Campground), if the
15 activities are conducted from a single explor-
16 atory drill pad which is located to reasonably
17 minimize visual and noise impacts on the
18 Campground.

19 (2) CONDITIONS.—Any activities undertaken in
20 accordance with this subsection shall be subject to
21 such reasonable terms and conditions as the Sec-
22 retary may require.

23 (3) TERMINATION.—The authorization for Res-
24 olution Copper to undertake mineral exploration ac-
25 tivities under this subsection shall remain in effect

1 until the Oak Flat Withdrawal Area land is con-
2 veyed to Resolution Copper in accordance with this
3 Act.

4 (g) COSTS.—As a condition of the land exchange
5 under this Act, Resolution Copper shall agree to pay, with-
6 out compensation, all costs that are—

7 (1) associated with the land exchange and any
8 environmental review document under subsection (j);
9 and

10 (2) agreed to by the Secretary.

11 (h) USE OF FEDERAL LAND.—The Federal land to
12 be conveyed to Resolution Copper under this Act shall be
13 available to Resolution Copper for mining and related ac-
14 tivities subject to and in accordance with applicable Fed-
15 eral, State, and local laws pertaining to mining and related
16 activities on land in private ownership.

17 (i) INTENT OF CONGRESS.—It is the intent of Con-
18 gress that the land exchange directed by this Act shall
19 be consummated not later than one year after the date
20 of enactment of this Act.

21 (j) ENVIRONMENTAL COMPLIANCE.—Compliance
22 with the requirements of the National Environmental Pol-
23 icy Act of 1969 (42 U.S.C. 4321 et seq.) under this Act
24 shall be as follows:

1 (1) Prior to commencing production in commer-
2 cial quantities of any valuable mineral from the Fed-
3 eral land conveyed to Resolution Copper under this
4 Act (except for any production from exploration and
5 mine development shafts, adits, and tunnels needed
6 to determine feasibility and pilot plant testing of
7 commercial production or to access the ore body and
8 tailing deposition areas), Resolution Copper shall
9 submit to the Secretary a proposed mine plan of op-
10 erations.

11 (2) The Secretary shall, within 3 years of such
12 submission, complete preparation of an environ-
13 mental review document in accordance with section
14 102(2) of the National Environmental Policy Act of
15 1969 (42 U.S.C. 4322(2)) which shall be used as
16 the basis for all decisions under applicable Federal
17 laws, rules and regulations regarding any Federal
18 actions or authorizations related to the proposed
19 mine and mine plan of operations of Resolution Cop-
20 per, including the construction of associated power,
21 water, transportation, processing, tailings, waste
22 dump, and other ancillary facilities.

1 **SEC. 5. CONVEYANCE AND MANAGEMENT OF NON-FEDERAL**
2 **LAND.**

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

5 (1) to the Secretary, all right, title, and interest
6 that the Secretary determines to be acceptable in
7 and to—

8 (A) the approximately 147 acres of land lo-
9 cated in Gila County, Arizona, depicted on the
10 map entitled “Southeast Arizona Land Ex-
11 change and Conservation Act of 2011–Non-
12 Federal Parcel–Turkey Creek” and dated
13 March 2011;

14 (B) the approximately 148 acres of land
15 located in Yavapai County, Arizona, depicted on
16 the map entitled “Southeast Arizona Land Ex-
17 change and Conservation Act of 2011–Non-
18 Federal Parcel–Tangle Creek” and dated
19 March 2011;

20 (C) the approximately 149 acres of land lo-
21 cated in Maricopa County, Arizona, depicted on
22 the map entitled “Southeast Arizona Land Ex-
23 change and Conservation Act of 2011–Non-
24 Federal Parcel–Cave Creek” and dated March
25 2011;

1 (D) the approximately 640 acres of land
2 located in Coconino County, Arizona, depicted
3 on the map entitled “Southeast Arizona Land
4 Exchange and Conservation Act of 2011–Non-
5 Federal Parcel–East Clear Creek” and dated
6 March 2011; and

7 (E) the approximately 110 acres of land
8 located in Pinal County, Arizona, depicted on
9 the map entitled “Southeast Arizona Land Ex-
10 change and Conservation Act of 2011–Non-
11 Federal Parcel–Apache Leap South End” and
12 dated March 2011; and

13 (2) to the Secretary of the Interior, all right,
14 title, and interest that the Secretary of the Interior
15 determines to be acceptable in and to—

16 (A) the approximately 3,050 acres of land
17 located in Pinal County, Arizona, identified as
18 “Lands to DOI” as generally depicted on the
19 map entitled “Southeast Arizona Land Ex-
20 change and Conservation Act of 2011–Non-
21 Federal Parcel–Lower San Pedro River” and
22 dated July 6, 2011;

23 (B) the approximately 160 acres of land
24 located in Gila and Pinal Counties, Arizona,
25 identified as “Lands to DOI” as generally de-

1 picted on the map entitled “Southeast Arizona
2 Land Exchange and Conservation Act of 2011–
3 Non-Federal Parcel–Dripping Springs” and
4 dated July 6, 2011; and

5 (C) the approximately 940 acres of land lo-
6 cated in Santa Cruz County, Arizona, identified
7 as “Lands to DOI” as generally depicted on the
8 map entitled “Southeast Arizona Land Ex-
9 change and Conservation Act of 2011–Non-
10 Federal Parcel–Appleton Ranch” and dated
11 July 6, 2011.

12 (b) MANAGEMENT OF ACQUIRED LAND.—

13 (1) LAND ACQUIRED BY THE SECRETARY.—

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

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

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

21 (B) BOUNDARY REVISION.—On the acqui-
22 sition of land by the Secretary under this Act,
23 the boundaries of the national forest shall be
24 modified to reflect the inclusion of the acquired
25 land.

1 (C) LAND AND WATER CONSERVATION
2 FUND.—For purposes of section 7 of the Land
3 and Water Conservation Fund Act of 1965 (16
4 U.S.C. 4601–9), the boundaries of a national
5 forest in which land acquired by the Secretary
6 is located shall be deemed to be the boundaries
7 of that forest as in existence on January 1,
8 1965.

9 (2) LAND ACQUIRED BY THE SECRETARY OF
10 THE INTERIOR.—

11 (A) SAN PEDRO NATIONAL CONSERVATION
12 AREA.—

13 (i) IN GENERAL.—The land acquired
14 by the Secretary of the Interior under sub-
15 section (a)(2)(A) shall be added to, and
16 administered as part of, the San Pedro
17 National Conservation Area in accordance
18 with the laws (including regulations) appli-
19 cable to the Conservation Area.

20 (ii) MANAGEMENT PLAN.—Not later
21 than 2 years after the date on which the
22 land is acquired, the Secretary of the Inte-
23 rior shall update the management plan for
24 the San Pedro National Conservation Area

1 to reflect the management requirements of
2 the acquired land.

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

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

16 (c) SURRENDER OF RIGHTS.—In addition to the con-
17 veyance of the non-Federal land to the United States
18 under this Act, and as a condition of the land exchange,
19 Resolution Copper shall surrender to the United States,
20 without compensation, the rights held by Resolution Cop-
21 per under the mining laws and other laws of the United
22 States to commercially extract minerals under Apache
23 Leap.

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

25 (a) ANNUAL PRODUCTION REPORTING.—

1 (1) REPORT REQUIRED.—As a condition of the
2 land exchange under this Act, Resolution Copper
3 shall submit to the Secretary of the Interior an an-
4 nual report indicating the quantity of locatable min-
5 erals produced during the preceding calendar year in
6 commercial quantities from the Federal land con-
7 veyed to Resolution Copper under section 4. The
8 first report is required to be submitted not later
9 than February 15 of the first calendar year begin-
10 ning after the date of commencement of production
11 of valuable locatable minerals in commercial quan-
12 tities from such Federal land. The reports shall be
13 submitted February 15 of each calendar year there-
14 after.

15 (2) SHARING REPORTS WITH STATE.—The Sec-
16 retary shall make each report received under para-
17 graph (1) available to the State.

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

23 (b) PAYMENT ON PRODUCTION.—If the cumulative
24 production of valuable locatable minerals produced in com-
25 mercial quantities from the Federal land conveyed to Res-

1 olution Copper under section 4 exceeds the quantity of
2 production of locatable minerals from the Federal land
3 used in the income capitalization approach analysis pre-
4 pared under section 4(d)(3), Resolution Copper shall pay
5 to the United States, by not later than March 15 of each
6 applicable calendar year, a value adjustment payment for
7 the quantity of excess production at the same rate as-
8 sumed for the income capitalization approach analysis pre-
9 pared under section 4(d)(3).

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

15 (d) USE OF FUNDS.—

16 (1) SEPARATE FUND.—All funds paid to the
17 United States under this section shall be deposited
18 in a special fund established in the Treasury and
19 shall be available, in such amounts as are provided
20 in advance in appropriation Acts, to the Secretary
21 and the Secretary of the Interior only for the pur-
22 poses authorized by paragraph (2).

23 (2) AUTHORIZED USE.—Amounts in the special
24 fund established pursuant to paragraph (1) shall be
25 used for maintenance, repair, and rehabilitation

1 projects for Forest Service and Bureau of Land
2 Management assets.

3 **SEC. 7. WITHDRAWAL.**

4 Subject to valid existing rights, Apache Leap and any
5 land acquired by the United States under this Act are
6 withdrawn from all forms of—

7 (1) entry, appropriation, or disposal under the
8 public land laws;

9 (2) location, entry, and patent under the mining
10 laws; and

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

13 **SEC. 8. APACHE LEAP.**

14 (a) MANAGEMENT.—

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

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

1 surface of the land, subject to any terms and condi-
2 tions that the Secretary may require.

3 (3) FENCES; SIGNAGE.—The Secretary may
4 allow use of the surface of Apache Leap for installa-
5 tion of fences, signs, monitoring devices, or other
6 measures necessary to protect the health and safety
7 of the public, protect resources located on Apache
8 Leap, or to ensure that activities conducted under
9 paragraph (2) do not affect the surface of Apache
10 Leap.

11 (b) PLAN.—

12 (1) IN GENERAL.—Not later than 3 years after
13 the date of enactment of this Act, the Secretary, in
14 consultation with affected Indian tribes, the Town,
15 Resolution Copper, and other interested members of
16 the public, shall prepare a management plan for
17 Apache Leap.

18 (2) CONSIDERATIONS.—In preparing the plan
19 under paragraph (1), the Secretary shall consider
20 whether additional measures are necessary to—

21 (A) protect the cultural, archaeological, or
22 historical resources of Apache Leap, including
23 permanent or seasonal closures of all or a por-
24 tion of Apache Leap; and

25 (B) provide access for recreation.

1 (c) MINING ACTIVITIES.—The provisions of this sec-
2 tion shall not impose additional restrictions on mining ac-
3 tivities carried out by Resolution Copper adjacent to, or
4 outside of, the Apache Leap area beyond those otherwise
5 applicable to mining activities on privately owned land
6 under Federal, State, and local laws, rules and regula-
7 tions.

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

9 (a) CONVEYANCES.—On request from the Town and
10 subject to the provisions of this section, the Secretary shall
11 convey to the Town the following:

12 (1) Approximately 30 acres of land as depicted
13 on the map entitled “Southeast Arizona Land Ex-
14 change and Conservation Act of 2011—Federal Par-
15 cel—Fairview Cemetery” and dated March 2011.

16 (2) The reversionary interest and any reserved
17 mineral interest of the United States in the approxi-
18 mately 265 acres of land located in Pinal County,
19 Arizona, as depicted on the map entitled “Southeast
20 Arizona Land Exchange and Conservation Act of
21 2011—Federal Reversionary Interest—Superior Air-
22 port” and dated March 2011.

23 (3) The approximately 250 acres of land located
24 in Pinal County, Arizona, as depicted on the map
25 entitled “Southeast Arizona Land Exchange and

1 Conservation Act of 2011—Federal Parcel—Superior
2 Airport Contiguous Parcels” and dated March 2011.

3 (b) PAYMENT.—The Town shall pay to the Secretary
4 the market value for each parcel of land or interest in land
5 acquired under this section, as determined by appraisals
6 conducted in accordance with section 4(d).

7 (c) SISK ACT.—Any payment received by the Sec-
8 retary from the Town under this section shall be deposited
9 in the fund established under Public Law 90–171 (com-
10 monly known as the “Sisk Act”) (16 U.S.C. 484a) and
11 shall be made available, in such amounts as are provided
12 in advance in appropriation Acts, to the Secretary for the
13 acquisition of land for addition to the National Forest Sys-
14 tem.

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

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

19 (a) REVOCATION OF ORDERS; WITHDRAWAL.—

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

1 (2) WITHDRAWAL.—On the date of enactment
2 of this Act, if the Federal land or any Federal inter-
3 est in the non-Federal land to be exchanged under
4 section 4 is not withdrawn or segregated from entry
5 and appropriation under a public land law (including
6 mining and mineral leasing laws and the Geothermal
7 Steam Act of 1970 (30 U.S.C. 1001 et seq.)), the
8 land or interest shall be withdrawn, without further
9 action required by the Secretary concerned, from
10 entry and appropriation. The withdrawal shall be
11 terminated—

12 (A) on the date of consummation of the
13 land exchange; or

14 (B) if Resolution Copper notifies the Sec-
15 retary in writing that it has elected to withdraw
16 from the land exchange pursuant to section
17 206(d) of the Federal Land Policy and Manage-
18 ment Act of 1976, as amended (43 U.S.C.
19 1716(d)).

20 (3) RIGHTS OF RESOLUTION COPPER.—Nothing
21 in this Act shall interfere with, limit, or otherwise
22 impair, the unpatented mining claims or rights cur-
23 rently held by Resolution Copper on the Federal
24 land, nor in any way change, diminish, qualify, or
25 otherwise impact Resolution Copper’s rights and

1 ability to conduct activities on the Federal land
2 under such unpatented mining claims and the gen-
3 eral mining laws of the United States, including the
4 permitting or authorization of such activities.

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

6 (1) MINOR ERRORS.—The Secretary concerned
7 and Resolution Copper may correct, by mutual
8 agreement, any minor errors in any map, acreage es-
9 timate, or description of any land conveyed or ex-
10 changed under this Act.

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

16 (3) AVAILABILITY.—On the date of enactment
17 of this Act, the Secretary shall file and make avail-
18 able for public inspection in the Office of the Super-
19 visor, Tonto National Forest, each map referred to
20 in this Act.

Passed the House of Representatives October 26,
2011.

Attest:

Clerk.

112TH CONGRESS
1ST SESSION

H. R. 1904

AN ACT

To facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes.