

113TH CONGRESS  
1ST SESSION

# S. 339

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

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

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## A BILL

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,*

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 2013”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       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.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the land exchange furthers public objectives  
 4 referenced in section 206 of the Federal Land Policy  
 5 and Management Act of 1976 (43 U.S.C. 1716) in-  
 6 cluding—

7 (A) promoting significant job and other  
 8 economic opportunities in a part of the State of  
 9 Arizona that has a long history of mining, but  
 10 is currently experiencing high unemployment  
 11 rates and economic difficulties;

12 (B) facilitating the development of a world-  
 13 class domestic copper deposit capable of meet-  
 14 ing a significant portion of the annual United  
 15 States demand for this strategic and important  
 16 mineral, in an area which has already been sub-  
 17 ject to mining operations;

18 (C) significantly enhancing Federal, State,  
 19 and local revenue collections in a time of severe  
 20 governmental budget shortfalls;

1 (D) securing Federal ownership and pro-  
2 tection of land with significant fish and wildlife,  
3 recreational, scenic, water, riparian, cultural,  
4 and other public values;

5 (E) assisting more efficient Federal land  
6 management via Federal acquisition of land for  
7 addition to the Las Cienegas and San Pedro  
8 National Conservation Areas, and to the Tonto  
9 and Coconino National Forests;

10 (F) providing opportunity for community  
11 expansion and economic diversification adjacent  
12 to the towns of Superior, Miami, and Globe, Ar-  
13 izona; and

14 (G) protecting the cultural resources and  
15 other values of the Apache Leap escarpment lo-  
16 cated near Superior, Arizona; and

17 (2) the land exchange is, therefore, in the pub-  
18 lic interest.

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

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) APACHE LEAP.—The term “Apache Leap”  
25 means the approximately 807 acres of land depicted

1 on the map entitled “Southeast Arizona Land Ex-  
2 change and Conservation Act of 2011–Apache Leap”  
3 and dated March 2011.

4 (2) FEDERAL LAND.—The term “Federal land”  
5 means the approximately 2,422 acres of land located  
6 in Pinal County, Arizona, depicted on the map enti-  
7 tled “Southeast Arizona Land Exchange and Con-  
8 servation Act of 2011–Federal Parcel–Oak Flat”  
9 and dated March 2011.

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

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

19 (5) OAK FLAT CAMPGROUND.—The term “Oak  
20 Flat Campground” means the approximately 50  
21 acres of land comprising approximately 16 developed  
22 campsites depicted on the map entitled “Southeast  
23 Arizona Land Exchange and Conservation Act of  
24 2011–Oak Flat Campground” and dated March  
25 2011.

1           (6) OAK FLAT WITHDRAWAL AREA.—The term  
2           “Oak Flat Withdrawal Area” means the approxi-  
3           mately 760 acres of land depicted on the map enti-  
4           tled “Southeast Arizona Land Exchange and Con-  
5           servation Act of 2011—Oak Flat Withdrawal Area”  
6           and dated March 2011.

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

12          (8) SECRETARY.—The term “Secretary” means  
13          the Secretary of Agriculture.

14          (9) STATE.—The term “State” means the State  
15          of Arizona.

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

18 **SEC. 4. LAND EXCHANGE.**

19          (a) IN GENERAL.—Subject to the provisions of this  
20          Act, if Resolution Copper offers to convey to the United  
21          States all right, title, and interest of Resolution Copper  
22          in and to the non-Federal land, the Secretary is authorized  
23          and directed to convey to Resolution Copper, all right,  
24          title, and interest of the United States in and to the Fed-  
25          eral land.

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

4 (1) is acceptable to the Secretary, for land to  
5 be administered by the Forest Service and the Sec-  
6 retary of the Interior, for land to be administered by  
7 the Bureau of Land Management; and

8 (2) conforms to the title approval standards of  
9 the Attorney General of the United States applicable  
10 to land acquisitions by the Federal Government.

11 (c) CONSULTATION WITH INDIAN TRIBES.—If not  
12 undertaken prior to enactment of this Act, within 30 days  
13 of the date of enactment of this Act, the Secretary shall  
14 engage in government-to-government consultation with af-  
15 fected Indian tribes concerning issues related to the land  
16 exchange, in accordance with applicable laws (including  
17 regulations).

18 (d) APPRAISALS.—

19 (1) IN GENERAL.—As soon as practicable after  
20 the date of enactment of this Act, the Secretary and  
21 Resolution Copper shall select an appraiser to con-  
22 duct appraisals of the Federal land and non-Federal  
23 land in compliance with the requirements of section  
24 254.9 of title 36, Code of Federal Regulations.

25 (2) REQUIREMENTS.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), an appraisal prepared under  
3 this subsection shall be conducted in accordance  
4 with nationally recognized appraisal standards,  
5 including—

6 (i) the Uniform Appraisal Standards  
7 for Federal Land Acquisitions; and

8 (ii) the Uniform Standards of Profes-  
9 sional Appraisal Practice.

10 (B) FINAL APPRAISED VALUE.—After the  
11 final appraised values of the Federal land and  
12 non-Federal land are determined and approved  
13 by the Secretary, the Secretary shall not be re-  
14 quired to reappraise or update the final ap-  
15 praised value—

16 (i) for a period of 3 years beginning  
17 on the date of the approval by the Sec-  
18 retary of the final appraised value; or

19 (ii) at all, in accordance with section  
20 254.14 of title 36, Code of Federal Regula-  
21 tions (or a successor regulation), after an  
22 exchange agreement is entered into by Res-  
23 olution Copper and the Secretary.

24 (C) IMPROVEMENTS.—Any improvements  
25 made by Resolution Copper prior to entering

1           into an exchange agreement shall not be in-  
 2           cluded in the appraised value of the Federal  
 3           land.

4           (D) PUBLIC REVIEW.—Before consum-  
 5           mating the land exchange under this Act, the  
 6           Secretary shall make the appraisals of the land  
 7           to be exchanged (or a summary thereof) avail-  
 8           able for public review.

9           (3) APPRAISAL INFORMATION.—The appraisal  
 10          prepared under this subsection shall include a de-  
 11          tailed income capitalization approach analysis of the  
 12          market value of the Federal land which may be uti-  
 13          lized, as appropriate, to determine the value of the  
 14          Federal land, and shall be the basis for calculation  
 15          of any payment under section 6.

16          (e) EQUAL VALUE LAND EXCHANGE.—

17           (1) IN GENERAL.—The value of the Federal  
 18          land and non-Federal land to be exchanged under  
 19          this Act shall be equal or shall be equalized in ac-  
 20          cordance with this subsection.

21           (2) SURPLUS OF FEDERAL LAND VALUE.—

22           (A) IN GENERAL.—If the final appraised  
 23          value of the Federal land exceeds the value of  
 24          the non-Federal land, Resolution Copper  
 25          shall—

1 (i) convey additional non-Federal land  
2 in the State to the Secretary or the Sec-  
3 retary of the Interior, consistent with the  
4 requirements of this Act and subject to the  
5 approval of the applicable Secretary;

6 (ii) make a cash payment to the  
7 United States; or

8 (iii) use a combination of the methods  
9 described in clauses (i) and (ii), as agreed  
10 to by Resolution Copper, the Secretary,  
11 and the Secretary of the Interior.

12 (B) AMOUNT OF PAYMENT.—The Sec-  
13 retary may accept a payment in excess of 25  
14 percent of the total value of the land or inter-  
15 ests conveyed, notwithstanding section 206(b)  
16 of the Federal Land Policy and Management  
17 Act of 1976 (43 U.S.C. 1716(b)).

18 (C) DISPOSITION AND USE OF PRO-  
19 CEEDS.—Any amounts received by the United  
20 States under this subparagraph shall be depos-  
21 ited in the fund established under Public Law  
22 90–171 (commonly known as the “Sisk Act”;  
23 16 U.S.C. 484a) and shall be made available, in  
24 such amounts as are provided in advance in ap-  
25 propriation Acts, to the Secretary for the acqui-

1           sition of land for addition to the National For-  
2           est System.

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

6                   (A) the United States shall not make a  
7                   payment to Resolution Copper to equalize the  
8                   value; and

9                   (B) except as provided in section  
10                  9(b)(2)(B), the surplus value of the non-Fed-  
11                  eral land shall be considered to be a donation  
12                  by Resolution Copper to the United States.

13          (f) OAK FLAT WITHDRAWAL AREA.—

14                  (1) PERMITS.—Subject to the provisions of this  
15                  subsection and notwithstanding any withdrawal of  
16                  the Oak Flat Withdrawal Area from the mining,  
17                  mineral leasing, or public land laws, the Secretary,  
18                  upon enactment of this Act, shall issue to Resolution  
19                  Copper—

20                          (A) if so requested by Resolution Copper,  
21                          within 30 days of such request, a special use  
22                          permit to carry out mineral exploration activi-  
23                          ties under the Oak Flat Withdrawal Area from  
24                          existing drill pads located outside the Area, if

1 the activities would not disturb the surface of  
2 the Area; and

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

12 (2) CONDITIONS.—Any activities undertaken in  
13 accordance with this subsection shall be subject to  
14 such reasonable terms and conditions as the Sec-  
15 retary may require.

16 (3) TERMINATION.—The authorization for Res-  
17 olution Copper to undertake mineral exploration ac-  
18 tivities under this subsection shall remain in effect  
19 until the Oak Flat Withdrawal Area land is con-  
20 veyed to Resolution Copper in accordance with this  
21 Act.

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

1           (1) associated with the land exchange and any  
2           environmental review document under subsection (j);  
3           and

4           (2) agreed to by the Secretary.

5           (h) USE OF FEDERAL LAND.—The Federal land to  
6           be conveyed to Resolution Copper under this Act shall be  
7           available to Resolution Copper for mining and related ac-  
8           tivities subject to and in accordance with applicable Fed-  
9           eral, State, and local laws pertaining to mining and related  
10          activities on land in private ownership.

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

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

19                (1) Prior to commencing production in commer-  
20                cial quantities of any valuable mineral from the Fed-  
21                eral land conveyed to Resolution Copper under this  
22                Act (except for any production from exploration and  
23                mine development shafts, adits, and tunnels needed  
24                to determine feasibility and pilot plant testing of  
25                commercial production or to access the ore body and

1 tailing deposition areas), Resolution Copper shall  
2 submit to the Secretary a proposed mine plan of op-  
3 erations.

4 (2) The Secretary shall, within 3 years of such  
5 submission, complete preparation of an environ-  
6 mental review document in accordance with section  
7 102(2) of the National Environmental Policy Act of  
8 1969 (42 U.S.C. 4322(2)) which shall be used as  
9 the basis for all decisions under applicable Federal  
10 laws, rules and regulations regarding any Federal  
11 actions or authorizations related to the proposed  
12 mine and mine plan of operations of Resolution Cop-  
13 per, including the construction of associated power,  
14 water, transportation, processing, tailings, waste  
15 dump, and other ancillary facilities.

16 **SEC. 5. CONVEYANCE AND MANAGEMENT OF NON-FEDERAL**  
17 **LAND.**

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

20 (1) to the Secretary, all right, title, and interest  
21 that the Secretary determines to be acceptable in  
22 and to—

23 (A) the approximately 147 acres of land lo-  
24 cated in Gila County, Arizona, depicted on the  
25 map entitled “Southeast Arizona Land Ex-

1 change and Conservation Act of 2011–Non-  
2 Federal Parcel–Turkey Creek” and dated  
3 March 2011;

4 (B) the approximately 148 acres of land  
5 located in Yavapai County, Arizona, depicted on  
6 the map entitled “Southeast Arizona Land Ex-  
7 change and Conservation Act of 2011–Non-  
8 Federal Parcel–Tangle Creek” and dated  
9 March 2011;

10 (C) the approximately 149 acres of land lo-  
11 cated in Maricopa County, Arizona, depicted on  
12 the map entitled “Southeast Arizona Land Ex-  
13 change and Conservation Act of 2011–Non-  
14 Federal Parcel–Cave Creek” and dated March  
15 2011;

16 (D) the approximately 640 acres of land  
17 located in Coconino County, Arizona, depicted  
18 on the map entitled “Southeast Arizona Land  
19 Exchange and Conservation Act of 2011–Non-  
20 Federal Parcel–East Clear Creek” and dated  
21 March 2011; and

22 (E) the approximately 110 acres of land  
23 located in Pinal County, Arizona, depicted on  
24 the map entitled “Southeast Arizona Land Ex-  
25 change and Conservation Act of 2011–Non-

1 Federal Parcel–Apache Leap South End” and  
2 dated March 2011; and

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

6 (A) the approximately 3,050 acres of land  
7 located in Pinal County, Arizona, identified as  
8 “Lands to DOI” as generally depicted on the  
9 map entitled “Southeast Arizona Land Ex-  
10 change and Conservation Act of 2011–Non-  
11 Federal Parcel–Lower San Pedro River” and  
12 dated July 6, 2011;

13 (B) the approximately 160 acres of land  
14 located in Gila and Pinal Counties, Arizona,  
15 identified as “Lands to DOI” as generally de-  
16 picted on the map entitled “Southeast Arizona  
17 Land Exchange and Conservation Act of 2011–  
18 Non-Federal Parcel–Dripping Springs” and  
19 dated July 6, 2011; and

20 (C) the approximately 940 acres of land lo-  
21 cated in Santa Cruz County, Arizona, identified  
22 as “Lands to DOI” as generally depicted on the  
23 map entitled “Southeast Arizona Land Ex-  
24 change and Conservation Act of 2011–Non-

1 Federal Parcel–Appleton Ranch” and dated  
2 July 6, 2011.

3 (b) MANAGEMENT OF ACQUIRED LAND.—

4 (1) LAND ACQUIRED BY THE SECRETARY.—

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

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

9 (ii) be administered in accordance  
10 with the laws applicable to the National  
11 Forest System.

12 (B) BOUNDARY REVISION.—On the acqui-  
13 sition of land by the Secretary under this Act,  
14 the boundaries of the national forest shall be  
15 modified to reflect the inclusion of the acquired  
16 land.

17 (C) LAND AND WATER CONSERVATION  
18 FUND.—For purposes of section 7 of the Land  
19 and Water Conservation Fund Act of 1965 (16  
20 U.S.C. 4601–9), the boundaries of a national  
21 forest in which land acquired by the Secretary  
22 is located shall be deemed to be the boundaries  
23 of that forest as in existence on January 1,  
24 1965.

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

3           (A) SAN PEDRO NATIONAL CONSERVATION  
4 AREA.—

5           (i) IN GENERAL.—The land acquired  
6 by the Secretary of the Interior under sub-  
7 section (a)(2)(A) shall be added to, and  
8 administered as part of, the San Pedro  
9 National Conservation Area in accordance  
10 with the laws (including regulations) appli-  
11 cable to the Conservation Area.

12           (ii) MANAGEMENT PLAN.—Not later  
13 than 2 years after the date on which the  
14 land is acquired, the Secretary of the Inte-  
15 rior shall update the management plan for  
16 the San Pedro National Conservation Area  
17 to reflect the management requirements of  
18 the acquired land.

19           (B) DRIPPING SPRINGS.—Land acquired  
20 by the Secretary of the Interior under sub-  
21 section (a)(2)(B) shall be managed in accord-  
22 ance with the Federal Land Policy and Man-  
23 agement Act of 1976 (43 U.S.C. 1701 et seq.)  
24 and applicable land use plans.

1                   (C) LAS CIENEGAS NATIONAL CONSERVA-  
2                   TION AREA.—Land acquired by the Secretary of  
3                   the Interior under subsection (a)(2)(C) shall be  
4                   added to, and administered as part of, the Las  
5                   Cienegas National Conservation Area in accord-  
6                   ance with the laws (including regulations) appli-  
7                   cable to the Conservation Area.

8                   (c) SURRENDER OF RIGHTS.—In addition to the con-  
9                   veyance of the non-Federal land to the United States  
10                  under this Act, and as a condition of the land exchange,  
11                  Resolution Copper shall surrender to the United States,  
12                  without compensation, the rights held by Resolution Cop-  
13                  per under the mining laws and other laws of the United  
14                  States to commercially extract minerals under Apache  
15                  Leap.

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

17                  (a) ANNUAL PRODUCTION REPORTING.—

18                   (1) REPORT REQUIRED.—As a condition of the  
19                  land exchange under this Act, Resolution Copper  
20                  shall submit to the Secretary of the Interior an an-  
21                  nual report indicating the quantity of locatable min-  
22                  erals produced during the preceding calendar year in  
23                  commercial quantities from the Federal land con-  
24                  veyed to Resolution Copper under section 4. The  
25                  first report is required to be submitted not later

1 than February 15 of the first calendar year begin-  
2 ning after the date of commencement of production  
3 of valuable locatable minerals in commercial quan-  
4 tities from such Federal land. The reports shall be  
5 submitted February 15 of each calendar year there-  
6 after.

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

10 (3) REPORT CONTENTS.—The reports under  
11 paragraph (1) shall comply with any recordkeeping  
12 and reporting requirements prescribed by the Sec-  
13 retary or required by applicable Federal laws in ef-  
14 fect at the time of production.

15 (b) PAYMENT ON PRODUCTION.—If the cumulative  
16 production of valuable locatable minerals produced in com-  
17 mercial quantities from the Federal land conveyed to Res-  
18 olution Copper under section 4 exceeds the quantity of  
19 production of locatable minerals from the Federal land  
20 used in the income capitalization approach analysis pre-  
21 pared under section 4(d)(3), Resolution Copper shall pay  
22 to the United States, by not later than March 15 of each  
23 applicable calendar year, a value adjustment payment for  
24 the quantity of excess production at the same rate as-

1 sumed for the income capitalization approach analysis pre-  
2 pared under section 4(d)(3).

3 (c) STATE LAW UNAFFECTED.—Nothing in this sec-  
4 tion modifies, expands, diminishes, amends, or otherwise  
5 affects any State law relating to the imposition, applica-  
6 tion, timing, or collection of a State excise or severance  
7 tax.

8 (d) USE OF FUNDS.—

9 (1) SEPARATE FUND.—All funds paid to the  
10 United States under this section shall be deposited  
11 in a special fund established in the Treasury and  
12 shall be available, in such amounts as are provided  
13 in advance in appropriation Acts, to the Secretary  
14 and the Secretary of the Interior only for the pur-  
15 poses authorized by paragraph (2).

16 (2) AUTHORIZED USE.—Amounts in the special  
17 fund established pursuant to paragraph (1) shall be  
18 used for maintenance, repair, and rehabilitation  
19 projects for Forest Service and Bureau of Land  
20 Management assets.

21 **SEC. 7. WITHDRAWAL.**

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

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

3 (2) location, entry, and patent under the mining  
4 laws; and

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

7 **SEC. 8. APACHE LEAP.**

8 (a) MANAGEMENT.—

9 (1) IN GENERAL.—The Secretary shall manage  
10 Apache Leap to preserve the natural character of  
11 Apache Leap and to protect archeological and cul-  
12 tural resources located on Apache Leap.

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

21 (3) FENCES; SIGNAGE.—The Secretary may  
22 allow use of the surface of Apache Leap for installa-  
23 tion of fences, signs, monitoring devices, or other  
24 measures necessary to protect the health and safety  
25 of the public, protect resources located on Apache

1 Leap, or to ensure that activities conducted under  
2 paragraph (2) do not affect the surface of Apache  
3 Leap.

4 (b) PLAN.—

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

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

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

18 (B) provide access for recreation.

19 (c) MINING ACTIVITIES.—The provisions of this sec-  
20 tion shall not impose additional restrictions on mining ac-  
21 tivities carried out by Resolution Copper adjacent to, or  
22 outside of, the Apache Leap area beyond those otherwise  
23 applicable to mining activities on privately owned land  
24 under Federal, State, and local laws, rules and regula-  
25 tions.

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

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

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

9 (2) The reversionary interest and any reserved  
10 mineral interest of the United States in the approxi-  
11 mately 265 acres of land located in Pinal County,  
12 Arizona, as depicted on the map entitled “Southeast  
13 Arizona Land Exchange and Conservation Act of  
14 2011—Federal Reversionary Interest—Superior Air-  
15 port” and dated March 2011.

16 (3) The approximately 250 acres of land located  
17 in Pinal County, Arizona, as depicted on the map  
18 entitled “Southeast Arizona Land Exchange and  
19 Conservation Act of 2011—Federal Parcel—Superior  
20 Airport Contiguous Parcels” and dated March 2011.

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

25 (c) SISK ACT.—Any payment received by the Sec-  
26 retary from the Town under this section shall be deposited

1 in the fund established under Public Law 90–171 (com-  
2 monly known as the “Sisk Act”) (16 U.S.C. 484a) and  
3 shall be made available, in such amounts as are provided  
4 in advance in appropriation Acts, to the Secretary for the  
5 acquisition of land for addition to the National Forest Sys-  
6 tem.

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

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

11 (a) REVOCATION OF ORDERS; WITHDRAWAL.—

12 (1) REVOCATION OF ORDERS.—Any public land  
13 order that withdraws the Federal land from appro-  
14 priation or disposal under a public land law shall be  
15 revoked to the extent necessary to permit disposal of  
16 the land.

17 (2) WITHDRAWAL.—On the date of enactment  
18 of this Act, if the Federal land or any Federal inter-  
19 est in the non-Federal land to be exchanged under  
20 section 4 is not withdrawn or segregated from entry  
21 and appropriation under a public land law (including  
22 mining and mineral leasing laws and the Geothermal  
23 Steam Act of 1970 (30 U.S.C. 1001 et seq.)), the  
24 land or interest shall be withdrawn, without further  
25 action required by the Secretary concerned, from

1 entry and appropriation. The withdrawal shall be  
2 terminated—

3 (A) on the date of consummation of the  
4 land exchange; or

5 (B) if Resolution Copper notifies the Sec-  
6 retary in writing that it has elected to withdraw  
7 from the land exchange pursuant to section  
8 206(d) of the Federal Land Policy and Manage-  
9 ment Act of 1976, as amended (43 U.S.C.  
10 1716(d)).

11 (3) RIGHTS OF RESOLUTION COPPER.—Nothing  
12 in this Act shall interfere with, limit, or otherwise  
13 impair, the unpatented mining claims or rights cur-  
14 rently held by Resolution Copper on the Federal  
15 land, nor in any way change, diminish, qualify, or  
16 otherwise impact Resolution Copper’s rights and  
17 ability to conduct activities on the Federal land  
18 under such unpatented mining claims and the gen-  
19 eral mining laws of the United States, including the  
20 permitting or authorization of such activities.

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

22 (1) MINOR ERRORS.—The Secretary concerned  
23 and Resolution Copper may correct, by mutual  
24 agreement, any minor errors in any map, acreage es-

1 estimate, or description of any land conveyed or ex-  
2 changed under this Act.

3 (2) CONFLICT.—If there is a conflict between a  
4 map, an acreage estimate, or a description of land  
5 in this Act, the map shall control unless the Sec-  
6 retary concerned and Resolution Copper mutually  
7 agree otherwise.

8 (3) AVAILABILITY.—On the date of enactment  
9 of this Act, the Secretary shall file and make avail-  
10 able for public inspection in the Office of the Super-  
11 visor, Tonto National Forest, each map referred to  
12 in this Act.

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