

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4880

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2010

Mrs. KIRKPATRICK of Arizona introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

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

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.**

4       This Act may be cited as the “Copper Basin Jobs  
5       Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

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

25 (6) RESOLUTION COPPER.—The term “Resolu-  
26 tion Copper” means Resolution Copper Mining,

1 LLC, a Delaware limited liability company, includ-  
2 ing any successor, assign, affiliate, member, or joint  
3 venturer of Resolution Copper Mining, LLC.

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

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

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

10 **SEC. 3. LAND EXCHANGE.**

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

19 (b) COMPLIANCE WITH APPLICABLE LAW.—

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

1 cable laws, including the National Environmental  
2 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

3 (2) ENVIRONMENTAL REVIEW DOCUMENT.—

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

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

23 (i) the land exchange; or

1 (ii) the extraction of minerals in com-  
2 mercial quantities by Resolution Copper on  
3 or under the Federal land.

4 (c) CONDITIONS ON ACCEPTANCE.—

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

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

11 (B) the Secretary of the Interior, for land  
12 to be administered by the Bureau of Land  
13 Management.

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

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

25 (e) 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.

6           (2) REQUIREMENTS.—

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

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

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

16           (B) FINAL APPRAISED VALUE.—

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

1           (ii) REAPPRAISAL.—Nothing in this  
2           subparagraph precludes the Secretary,  
3           prior to entering into an exchange agree-  
4           ment with Resolution Copper, from requir-  
5           ing a reappraisal or update of the final ap-  
6           praisal if the Secretary determines that  
7           such reappraisal or update is necessary.

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

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

18          (3) ADDITIONAL APPRAISAL INFORMATION.—

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

1 praisal approach relied on by the appraiser to  
2 determine the market value of the Federal land.

3 (B) INCLUSION IN FINAL APPRAISAL RE-  
4 PORT.—The income capitalization approach  
5 analysis under subparagraph (A) shall be in-  
6 cluded in the final appraisal report of the Fed-  
7 eral land.

8 (f) EQUAL VALUE LAND EXCHANGE.—

9 (1) IN GENERAL.—The value of the Federal  
10 land and non-Federal land to be exchanged under  
11 this Act shall be equal or shall be equalized in ac-  
12 cordance with this subsection.

13 (2) SURPLUS OF FEDERAL LAND VALUE.—

14 (A) IN GENERAL.—If the final appraised  
15 value of the Federal land exceeds the value of  
16 the non-Federal land, Resolution Copper  
17 shall—

18 (i) convey additional non-Federal land  
19 in the State to the Secretary or the Sec-  
20 retary of the Interior, consistent with the  
21 requirements of this Act and subject to the  
22 approval of the applicable Secretary;

23 (ii) make a cash payment to the  
24 United States; or



1 (iii) use a combination of the methods  
2 described in clauses (i) and (ii), as agreed  
3 to by Resolution Copper, the Secretary,  
4 and the Secretary of the Interior.

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

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

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

23 (A) the United States shall not make a  
24 payment to Resolution Copper to equalize the  
25 value; and

1 (B) except as provided in section 9, the  
2 surplus value of the non-Federal land shall be  
3 considered to be a donation by Resolution Cop-  
4 per to the United States.

5 (g) OAK FLAT WITHDRAWAL AREA.—

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

12 (A) under the Oak Flat Withdrawal Area,  
13 so long as such activities would not disturb the  
14 surface of the area; and

15 (B) on the Oak Flat Withdrawal Area (but  
16 not within the Oak Flat Campground), so long  
17 as such activities are conducted from a single  
18 exploratory drill pad.

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

23 (3) TERMINATION.—The authorization for Res-  
24 olution Copper to undertake mineral exploration ac-

1 activities under this subsection shall terminate on the  
2 earlier of—

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

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

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

11 (1) associated with the land exchange; and

12 (2) agreed to by the Secretary.

13 (i) INTENT OF CONGRESS.—

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

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

1 **SEC. 4. 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 of Agriculture, all right,  
6 title, and interest that the Secretary determines to  
7 be acceptable in 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 Con-  
11 servation Act of 2009–Non-Federal Parcel–Tur-  
12 key Creek” and dated January 2009;

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

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

23 (D) the approximately 640 acres of land  
24 located in Coconino County, Arizona, depicted  
25 on the map entitled “Southeast Arizona Land  
26 Exchange and Conservation Act of 2009–Non-

1 Federal Parcel—East Clear Creek” and dated  
2 January 2009;

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

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

16 (i) the Secretary determines would not  
17 disturb the surface of Apache Leap; and

18 (ii) do not involve commercial mineral  
19 extraction under Apache Leap; and

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

23 (A) the approximately 3,050 acres of land  
24 located in Pinal County, Arizona, identified as  
25 “Lands to DOI” as generally depicted on the

1 map entitled “Lower San Pedro River” and  
2 dated June 3, 2009;

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

8 (C) the approximately 940 acres of land lo-  
9 cated in Santa Cruz County, Arizona, identified  
10 as “Lands to DOI” as generally depicted on the  
11 map entitled “Appleton Ranch” and dated June  
12 3, 2009.

13 (b) MANAGEMENT OF ACQUIRED LAND.—

14 (1) LAND ACQUIRED BY THE SECRETARY.—

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

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

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

22 (B) BOUNDARY REVISION.—On acquisition  
23 of land by the Secretary under this Act, the  
24 boundaries of the national forest shall be modi-  
25 fied to reflect the inclusion of the acquired 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 RIPARIAN NATIONAL CON-  
12 SERVATION AREA.—

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

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

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

1 (ii) MANAGEMENT PLAN.—Not later  
2 than 2 years after the date on which the  
3 land is acquired, the Secretary of the Inte-  
4 rior shall update the management plan for  
5 the San Pedro Riparian National Con-  
6 servation Area to reflect the management  
7 requirements of the acquired land.

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

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

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



1 tion Copper under the mining laws and other laws of the  
2 United States to commercially extract minerals under—

3 (1) Apache Leap; and

4 (2) the property described in subsection

5 (a)(1)(E) (commonly known as “The Pond”).

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

7 (a) RECREATIONAL ACCESS AND FACILITIES.—

8 (1) IN GENERAL.—As a condition of the land  
9 exchange under this Act, Resolution Copper shall  
10 pay to the Secretary \$1,250,000, to improve access  
11 and facilities for dispersed recreation and other out-  
12 door recreational activities as provided in paragraph  
13 (2).

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

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

1 (A) in the general area north of Arizona  
2 State Highway 60; or

3 (B) in the general area along Arizona  
4 State Highway 177.

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

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

10 (a) ANNUAL PRODUCTION REPORTING.—

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

22 (2) REPORT CONTENTS.—The reports under  
23 paragraph (1) shall comply with any recordkeeping  
24 and reporting requirements prescribed by the Sec-

1       retary or required by applicable Federal laws in ef-  
2       fect at the time of production.

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

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

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

1 for the acquisition of land for addition to the National  
2 Forest System in the State.

3 **SEC. 7. WITHDRAWAL.**

4 Subject to valid existing rights, Apache Leap and any  
5 land acquired by the United States under this Act is with-  
6 drawn 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, or other measures necessary to  
6 protect the health and safety of the public, protect  
7 resources located on Apache Leap, or to ensure that  
8 activities conducted under paragraph (2) do not af-  
9 fect the surface of Apache Leap.

10 (b) PLAN.—

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

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

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

24 (B) provide access for recreation.

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

2 (a) CONVEYANCES.—

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

6 (A) Approximately 30 acres of land as de-  
7 picted on the map entitled “Southeast Arizona  
8 Land Exchange and Conservation Act of 2009–  
9 Federal Parcel–Fairview Cemetery” and dated  
10 January 2009.

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

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

25 (b) PAYMENT.—

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

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

9                   (A) the obligation of the Town to pay the  
10           United States shall be reduced by an amount  
11           not to exceed the excess value of the non-Fed-  
12           eral land conveyed to the United States; and

13                   (B) the amount donated by Resolution  
14           Copper to the United States shall be reduced  
15           accordingly.

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

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

○