

Statement Of
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Before the
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
U. S. House of Representatives

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Concerning

HR 3301: The Southeast Arizona Land Exchange and Conservation Act of 2007

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to provide the Department of Agriculture's view on HR 3301, the "Southeast Arizona Land Exchange and Conservation Act of 2007."

I will limit my remarks to the provisions of the bill directly related to National Forest System lands and will defer to the Department of the Interior on provisions relating to the lands managed by the Bureau of Land Management.

HR 3301 is a complex land exchange bill that directs the Secretary of Agriculture to convey to Resolution Copper Mining, LLC (Resolution Copper) certain lands and interests in the Tonto National Forest, Arizona, in exchange for private lands and funds to acquire additional lands in the State of Arizona for management by the Forest Service and the Bureau of Land Management (BLM).

The Department believes that the acquisition of the non-federal parcels to be managed in the National Forest System (NFS) would provide protection for riparian habitat and water rights, archeological sites, two miles along a permanently flowing trout stream, a year round pond and an endangered cactus species. The Department appreciates that several changes have been made to this proposal in response to previous testimony to address various concerns. In this context, the Department supports the exchange as well as the valuation provisions, and believes it is in the public interest, although some concerns remain regarding the overall bill.

The bill directs the exchange of a 3,025-acre area referred to as the "Oak Flat" parcel from the United States for five parcels of land owned by Resolution Copper: the 147-acre Turkey Creek parcel in Gila County; the 148-acre Tangle Creek parcel in Yavapai

County; the 149.3-acre Cave Creek parcel in Maricopa County; the-266 acre JI Ranch parcel in Pinal County (all located within the Tonto National Forest); and the 640-acre East Clear Creek parcel in Coconino County located within the Coconino National Forest. The bill requires that, in addition to the above exchange lands, Resolution Copper shall pay \$7,500,000 into a special Treasury account for acquisition of additional lands in specified areas within the State of Arizona.

The bill requires a 695-acre conservation easement for the Apache Leap escarpment on lands to be conveyed from the United States to Resolution Copper. This conservation easement would provide permanent protection for the parcel from surface disturbance and ensure future public access and use.

HR 3301 also directs the Secretary of Agriculture to convey to the Town of Superior, upon receipt of a request, the 30-acre town cemetery, approximately 181 acres adjacent to the Superior airport, and Federal reversionary interest in the 265-acre airport site already owned by the Town.

It is our understanding that upon completion of the land exchange, Resolution Copper would explore the possibility of developing a very deep copper mine beneath the Oak Flat parcel.

Section 4(d) of the bill requires that the exchange contemplated by H.R. 3301, will be completed within one year. The Department believes that this is insufficient time to complete all the necessary work to complete the exchange, including the development and review of a mineral report, completion of appraisals and surveys, verification of title documents, and the many environmental clearances, reviews, and the consultation with Indian Tribes required under various laws, regulations, and policy, as outlined in Section 4(e).

Section 8(a) directs the Secretary to design and construct a campground, including access routes, on the Globe Ranger District of the Tonto National Forest within two years to replace the Oak Flat campground. Preliminary indications are that it will be difficult to find a suitable replacement site within the Globe Ranger District. We are also concerned that the \$500,000 Resolution Copper is directed to pay for the replacement campground is insufficient and that the two-year time frame will be difficult to meet. We request that this requirement be made discretionary, that the legislation reflect the total cost of campground replacement to protect the taxpayer's interest, and that the two-year deadline be dropped.

Section 8(a)(3) requires the Secretary to continue to operate the Oak Flat Campground for two years or until a replacement campground is constructed. The Department objects to the requirement that it operate a campground located on private lands, as well as the waiver of liability for Resolution Copper. We recommend that this section be amended to reflect that the campground will only be operated by the Secretary until the land is transferred.

Section 8(c)(3) identifies areas to be closed to public use upon enactment of the Act. We recommend that area closures be negotiated based on the needs expressed in mining plans of operations during the period between bill enactment and consummation of the exchange, should it occur.

Finally, we would like to work with the Subcommittee and bill sponsors on several technical changes to the bill. For example, it should be clarified that the Secretary will convey by quitclaim deeds, and that title to lands received by the government must meet Attorney General's title standards. We would also like to ensure the maps described in the bill are referenced and dated properly.

This concludes my statement and I would be happy to answer any questions you may have.