

HR 1904

Southeast Arizona Land Exchange and Conservation Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

Introduced: May 13, 2011

Current Status: Committee on Energy and Natural Resources. Hearings held. Hearings printed: S.Hrg. 112-486.

Latest Action: Committee on Energy and Natural Resources. Hearings held. Hearings printed: S.Hrg. 112-486. (Feb 9, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/1904>

Sponsor

Name: Rep. Gosar, Paul A. [R-AZ-1]

Party: Republican • **State:** AZ • **Chamber:** House

Cosponsors (28 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Flake, Jeff [R-AZ-6]	R · AZ		May 13, 2011
Rep. Franks, Trent [R-AZ-2]	R · AZ		May 13, 2011
Rep. Quayle, Benjamin [R-AZ-3]	R · AZ		May 13, 2011
Rep. Schweikert, David [R-AZ-5]	R · AZ		May 13, 2011
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		May 26, 2011
Rep. Tipton, Scott R. [R-CO-3]	R · CO		May 26, 2011
Rep. Bishop, Rob [R-UT-1]	R · UT		May 31, 2011
Rep. Chaffetz, Jason [R-UT-3]	R · UT		May 31, 2011
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Jun 3, 2011
Rep. Pearce, Stevan [R-NM-2]	R · NM		Jul 26, 2011
Rep. Luetkemeyer, Blaine [R-MO-9]	R · MO		Oct 6, 2011
Rep. Sessions, Pete [R-TX-32]	R · TX		Oct 13, 2011
Rep. Amodei, Mark E. [R-NV-2]	R · NV		Oct 14, 2011
Rep. Brooks, Mo [R-AL-5]	R · AL		Oct 14, 2011
Rep. Carter, John R. [R-TX-31]	R · TX		Oct 14, 2011
Rep. Flores, Bill [R-TX-17]	R · TX		Oct 14, 2011
Rep. Heck, Joseph J. [R-NV-3]	R · NV		Oct 14, 2011
Rep. Kelly, Mike [R-PA-3]	R · PA		Oct 14, 2011
Rep. Landry, Jeffrey M. [R-LA-3]	R · LA		Oct 14, 2011
Rep. Lankford, James [R-OK-5]	R · OK		Oct 14, 2011
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Oct 14, 2011
Rep. Reed, Tom [R-NY-29]	R · NY		Oct 14, 2011
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Oct 14, 2011
Rep. Southerland, Steve II [R-FL-2]	R · FL		Oct 14, 2011
Rep. Stutzman, Marlin A. [R-IN-3]	R · IN		Oct 14, 2011
Rep. Thompson, Glenn [R-PA-5]	R · PA		Oct 14, 2011
Rep. Walden, Greg [R-OR-2]	R · OR		Oct 14, 2011
Rep. Young, Don [R-AK-At Large]	R · AK		Oct 14, 2011

Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Hearings By (full committee)	Feb 9, 2012
Natural Resources Committee	House	Discharged from	Jul 13, 2011

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

Bill	Relationship	Last Action
112 HRES 444	Procedurally related	Oct 25, 2011: Motion to reconsider laid on the table Agreed to without objection.

Southeast Arizona Land Exchange and Conservation Act of 2011 - (Sec. 4) Authorizes and directs the Secretary of Agriculture (USDA) (the Secretary), if Resolution Copper Mining, LLC offers to convey specified parcels of non-federal land in Gila, Yavapi, Maricopa, Coconino, Pinal, and/or Santa Cruz Counties, Arizona, that are acceptable to the Secretary or the Secretary of the Interior, to convey certain federal land in Pinal County, Arizona, to Resolution Copper.

Instructs the Secretary to engage in government-to-government consultation with affected Indian tribes on issues related to the land exchange.

Sets forth requirements for appraisals of the federal and non-federal land. Makes the appraisals of the land to be exchanged available for public review.

Requires an appraisal prepared under this Act to include an income capitalization approach analysis of the market value of the federal land, which may be utilized, as appropriate, for determining such land's value, and to be the basis for the calculation of any value adjustment payment under section 6 of this Act.

Requires the values of the land to be exchanged under this Act to be equal or equalized, as specified.

Makes the federal lands available to Resolution Copper for use for mining and related activities.

Requires the Secretary, if so requested by Resolution Copper, to issue separate special use permits to it to carry out mineral exploration activities: (1) under the Oak Flat Withdrawal Area from existing drill pads outside the Area, if they would not disturb the surface of the area; and (2) within the Withdrawal Area (with the exception of within the Oak Flat Campground), if they are conducted from a single exploratory drill pad which is located to minimize visual and noise impacts on the Campground.

Terminates such authorization to undertake such activities in the Oak Flat Withdrawal Area when the Withdrawal Area land is conveyed to Resolution Copper.

Requires Resolution Copper to agree to pay, without compensation, costs that are associated with the land exchange and any environmental review document completed pursuant to this section and agreed to by the Secretary.

Expresses the intent of Congress that the land exchange under this Act be completed within one year of enactment of this Act.

Instructs Resolution Copper to submit a proposed mine plan of operations before starting production in commercial quantities of any valuable mineral from the federal land conveyed under this Act, with the exception of any production from exploration and mine development shafts, adits, and tunnels needed to determine the feasibility and pilot plant testing of production or to access the ore body and tailing deposition areas.

Requires the Secretary, within three years of such submission, to complete preparation of an environmental review document in accordance with the National Environmental Policy Act of 1969 (NEPA), to be used as the basis for all decisions regarding any federal actions or authorizations related to the proposed mine and mine plan, including for the construction of associated power, water, and other ancillary facilities.

(Sec. 5) Requires Resolution Copper, upon receipt of title to the federal land, to convey to the Secretary and Secretary of the Interior the non-federal land that was determined to be acceptable to them.

Makes lands acquired by the Secretary under this section part of the National Forest within which the land is located.

Adds certain of the non-federal land in Pinal County acquired by the Secretary of the Interior to the San Pedro Riparian National Conservation Area. Requires updating of the Conservation Area's management plan to reflect the management requirements of the acquired land.

Requires certain of the non-federal land in Gila and Pinal Counties acquired by the Secretary of the Interior (Dripping Springs) to be managed according to the Federal Land Policy and Management Act of 1976 and applicable land use plans.

Adds certain of the non-federal land in Santa Cruz County acquired by the Secretary of the Interior to the Las Cienegas National Conservation Area.

Instructs Resolution Copper to surrender, without compensation, the rights held by it under mining and other U.S. laws to commercially extract minerals under Apache Leap.

(Sec. 6) Directs Resolution Copper to file annually with the Secretary of the Interior a report that indicates the quantity of valuable locatable minerals produced in commercial quantities from the federal land. Requires Resolution Copper to make value adjustment payments to the United States based upon locatable minerals produced from such land. Requires such Secretary to make such reports available to the state of Arizona.

Prohibits anything in this section from modifying, expanding, diminishing, amending, or otherwise affecting any state law related to the imposition, application, timing, or collection of a state excise or severance tax.

Requires funds paid to the United States under this section to be deposited in a special fund established in the Treasury and made available, in such amounts as are provided in advance in appropriation Acts, to the Secretaries to be used to maintain, repair, and rehabilitate projects for Forest Service and Bureau of Land Management (BLM) assets.

(Sec. 7) Withdraws Apache Leap and land acquired by the United States under this Act from: (1) entry, appropriation, or disposal under the public land laws; (2) location, entry, and patent under the mining laws; and (3) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(Sec. 8) Directs the Secretary to manage Apache Leap so as to preserve its natural character and to protect the archaeological and cultural resources located on it.

Authorizes the Secretary to issue to Resolution Copper special use permits that allow it to carry out underground activities (other than the commercial extraction of minerals) under the surface of Apache Leap that would not disturb the surface.

Requires preparation of a management plan for Apache Leap.

Prohibits this section's provisions from imposing additional restrictions on mining activities carried out by Resolution Copper adjacent to, or outside of, the Apache Leap area beyond those otherwise applicable to mining activities on privately owned land.

(Sec. 9) Directs the Secretary, upon request by the town of Superior, Arizona, to convey specified lands in Pinal County to the town.

Requires the town to pay the fair market value for each acquired parcel of land or interest, as determined by appraisals

conducted in accordance with section 4 of this Act.

Requires any payment received by the Secretary from the town to be deposited in the fund established under the Sisk Act and made available, in such amounts as are provided in advance in appropriation Acts, for the acquisition of land for addition to the National Forest System.

(Sec. 10) Revokes any public land order that withdraws the federal land from appropriation or disposal under a public land law to the extent necessary to permit the disposal of such land.

Withdraws the federal land or any federal interest in the non-federal land to be exchanged under section 4 of this Act, if not already withdrawn or segregated from entry and appropriation under a public land law (including mining and mineral leasing laws and the Geothermal Steam Act of 1970), from entry and appropriation without further action required by the Secretary.

Terminates such withdrawal: (1) upon the completion of the land exchange, or (2) if Resolution Copper notifies the Secretary in writing that it has elected to withdraw from such exchange.

Prohibits anything in this Act from interfering with, limiting, or otherwise impairing the unpatented mining claims or rights currently held by Resolution Copper on the federal land or in any way changing, diminishing, qualifying, or otherwise impacting Resolution Copper's rights and ability to conduct activities on such land under such claims and U.S. general mining laws.

Actions Timeline

- **Feb 9, 2012:** Committee on Energy and Natural Resources. Hearings held. Hearings printed: S.Hrg. 112-486.
- **Oct 31, 2011:** Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
- **Oct 26, 2011:** Considered under the provisions of rule H. Res. 444. (consideration: CR H7108-7112)
- **Oct 26, 2011:** Rule provides for consideration of H.R. 1904 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The resolution waives all points of order against the committee amendment in the nature of a substitute, as amended. The resolution waives all points of order against the amendments printed in Part B of the report.
- **Oct 26, 2011:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 444 and Rule XVIII.
- **Oct 26, 2011:** The Speaker designated the Honorable Tim Murphy to act as Chairman of the Committee.
- **Oct 26, 2011:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1904.
- **Oct 26, 2011:** DEBATE - Pursuant to the provisions of H.Res. 444, the Committee of the Whole proceeded with 10 minutes of debate on the Lujan amendment.
- **Oct 26, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Lujan amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Lujan demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Oct 26, 2011:** DEBATE - Pursuant to the provisions of H.Res. 444, the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment.
- **Oct 26, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Markey amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Markey demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Oct 26, 2011:** DEBATE - Pursuant to the provisions of H.Res. 444, the Committee of the Whole proceeded with 10 minutes of debate on the Grijalva amendment.
- **Oct 26, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Grijalva amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Grijalva demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Oct 26, 2011:** Mr. Hastings (WA) moved that the committee rise.
- **Oct 26, 2011:** On motion that the committee rise Agreed to by voice vote.
- **Oct 26, 2011:** Committee of the Whole House on the state of the Union rises leaving H.R. 1904 as unfinished business.
- **Oct 26, 2011:** Considered as unfinished business. (consideration: CR H7108-7112)
- **Oct 26, 2011:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Oct 26, 2011:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1904.
- **Oct 26, 2011:** The previous question was ordered pursuant to the rule. (consideration: CR H7110)
- **Oct 26, 2011:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of committee amendment in the nature of a substitute: CR H7100-7102)
- **Oct 26, 2011:** MOMENT OF SILENCE - The Chair asked that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan and their families, and of all who serve in our armed forces and their families.
- **Oct 26, 2011:** Mr. Deutch moved to recommit with instructions to Natural Resources. (consideration: CR H7110-7111; text: CR H7110)
- **Oct 26, 2011:** DEBATE - The House proceeded with 10 minutes of debate on the Deutch motion to recommit with instructions. The instructions in the motion seek to report the same to the House with an amendment to add language to prevent land exchanges with companies doing business with Iran.
- **Oct 26, 2011:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H7111)
- **Oct 26, 2011:** On motion to recommit with instructions Failed by recorded vote: 187 - 237 (Roll no. 808).

- **Oct 26, 2011:** Passed/agreed to in House: On passage Passed by recorded vote: 235 - 186 (Roll no. 809).
- **Oct 26, 2011:** On passage Passed by recorded vote: 235 - 186 (Roll no. 809).
- **Oct 26, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 25, 2011:** Rule H. Res. 444 passed House.
- **Oct 24, 2011:** Rules Committee Resolution H. Res. 444 Reported to House. Rule provides for consideration of H.R. 1904 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The resolution waives all points of order against the committee amendment in the nature of a substitute, as amended. The resolution waives all points of order against the amendments printed in Part B of the report.
- **Oct 14, 2011:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 112-246.
- **Oct 14, 2011:** Placed on the Union Calendar, Calendar No. 162.
- **Jul 13, 2011:** Committee Consideration and Mark-up Session Held.
- **Jul 13, 2011:** Subcommittee on National Parks, Forests and Public Lands Discharged.
- **Jul 13, 2011:** Ordered to be Reported (Amended) by the Yeas and Nays: 26 - 19.
- **Jun 14, 2011:** Subcommittee Hearings Held.
- **May 26, 2011:** Referred to the Subcommittee on National Parks, Forests and Public Lands.
- **May 13, 2011:** Introduced in House
- **May 13, 2011:** Referred to the House Committee on Natural Resources.