

**AGREEMENT TO INITIATE**

U. S. DEPARTMENT OF AGRICULTURE      OMB No. 0596-0105  
Forest Service

5430 Exchanges

Tonto NF

Resolution Copper Mining, LLC., a Delaware limited liability company

Southeast Arizona Land Exchange and Conservation (the, “Act”)

**P.L. 113-291, Section 3003**

**RECITALS**

**A.** The Southeast Arizona Land Exchange and Conservation Act (the “Act), P.L. 113-291 authorizes and directs the Secretary of Agriculture to enter into a land exchange with Resolution Copper Mining, LLC, Superior, Arizona 85173, Telephone: (520) 689-3456, (“Resolution”) on the terms and conditions and according to the procedures set forth in the Act (the “Land Exchange”).

**B.** By this Agreement, Resolution and the Tonto National Forest, U.S. Forest Service, U.S. Department of Agriculture (“Forest Service”), agree to initiate the Land Exchange and to complete it in accordance with the Act. To organize and expedite the Land Exchange process, the parties have agreed to use the Forest Service’s land exchange regulations and procedures, 36 C.F.R. § 254, as guidance for the process, but only to the extent those regulations and procedures are consistent with the Act.

**C.** Resolution has offered to convey to the United States all of its right, title, and interest in and to certain real property located in Arizona and described in the Act and the attached Exhibit A (“Non-Federal Land”). As described in the Act and in Exhibit A, portions of the Non-Federal Land will be conveyed separately to the Secretaries of the Departments of Agriculture and the Interior. Upon completion of certain requirements specified in the Act, the Secretary of Agriculture is authorized and directed to convey to Resolution the real property described in Exhibit B (“Federal Land”).

**AGREEMENT**

Resolution and the Forest Service agree as follows:

1. The real property to be exchanged will be of equal value (or equalized pursuant to Section (c)(5) of the Act) and will be conveyed under the terms and conditions described in the Act. It is understood that the basis for value of the exchange properties shall be appraisals approved by the Forest Service. This Agreement to Initiate authorizes each party to enter on the above-described lands of the other for such purposes as preparing land value appraisals, land line

surveys, completing the Land Exchange in accordance with the requirements of the National Environmental Policy Act of 1969 (“NEPA”), and any other actions required or authorized by the Act and 36 C.F.R. § 254 (to the extent consistent with the Act).

2. Resolution and the Forest Service will schedule a “pre-work conference” with the selected appraiser to discuss the exchange and the estimated timeframe to complete the appraisal process. Resolution and Forest Service will agree on the date when appraisals of the Federal Land and Non-Federal Land will begin.

3. It is understood that upon approval of the appraisals required by the Act, the parties may enter into an exchange agreement. It is understood that prior to the exchange agreement, or issuance of a patent or deed by the United States if no exchange agreement is executed, no action taken will create or establish any contractual or other obligations against Resolution or the United States except as provided in the Act. Resolution may withdraw from the Land Exchange at any time until it is completed. Title will be conveyed by Exchange Deed issued by the USDA-Forest Service.

4. If the final appraised value of the Federal Land exceeds that of the Non-Federal Land, Resolution will be required to make a cash payment or convey additional non-Federal land to the Forest Service to equalize value. Under the Act, the Secretary of Agriculture may accept a payment in excess of 25 percent of the total value of the land or interests conveyed despite FLPMA Section 206(b). If the final appraised value of the Non-Federal Land exceeds that of the Federal Land, the Forest Service will not be required to make a cash payment or convey additional Federal land to Resolution to equalize exchange values and any surplus value will be considered a donation by Resolution to the United States.

5. Resolution shall furnish title that: (1) is acceptable to the Secretary of Agriculture, for the land to be administered by the Forest Service, and the Secretary of the Interior, for land to be administered by the Bureau of Land Management and (2) that conforms to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government (Department of Justice, Title Standards 2001). Resolution will convey title by general warranty deed when notified to do so. Resolution shall provide, at its own expense, the Forest Service with a title insurance commitment from a title company, mutually agreed on by Resolution and the Forest Service, committing to issue to the United States, Department of Agriculture, an ALTA U.S. Policy – 9/29/1991 insuring title to the Non-Federal Land and that is satisfactory to the Office of the General Counsel of the Department of Agriculture. Additionally, Resolution shall provide, at its own expense, the Forest Service with a title abstract for the mineral interests in the Non-Federal Land (or other form of title acceptable under the Department of Justice, Title Standards 2001) prepared by a person or entity qualified to review and issue a title report for any minerals interests that are part of the Non-Federal Land. Resolution will expressly abandon any unpatented mining claims it owns within the Non-Federal Land simultaneous with the conveyance of the Non-Federal Land and Federal Land.

6. The United States does not furnish title insurance for the property it conveys.

7. In accordance with the Act, Resolution agrees to pay, without compensation, all costs associated with the Land Exchange and any environmental review document pursuant to Section (c)(9) of the Act and agreed to by the Secretary of Agriculture. Resolution and the Forest Service have entered into a Collection Agreement to provide for payment of these costs.

8. The timeline for processing the Land Exchange shall be as set forth in the Act and is described in Exhibit C (Implementation Schedule).

9. Qualified tenants occupying the non-Federal lands affected by this proposal may be entitled to relocation benefits under 49 C.F.R. §24.2. Resolution agrees to formally notify the Forest Service of any tenants occupying the non-Federal land and provide the Forest Service documentation that the tenant has been notified of the Land Exchange. Unless otherwise provided by law or regulation (49 C.F.R. §24.101(a)(1)), relocation benefits are not applicable to owner-occupants involved in exchanges with the United States provided the owner-occupants are notified in writing that the non-Federal lands are being acquired by the United States on a voluntary basis. Therefore, this Agreement to Initiate serves as that notice.

10. Each party to this agreement is responsible to provide the other documentation of the existence or non-existence of storage of hazardous substances stored on their respective lands for 1 year or more or disposed of or released on said lands.

11. The parties agree that the same appraisal firm will be used to appraise the Federal Land and Non-Federal Land and may rely on third-party consultants in the preparation of the appraisals.

12. The undersigned is a citizen of the United States or a corporation or other legal entity subject to the laws of the United States or a State thereof. The undersigned is also 21 years old or over and is the owner of the above-described offered land or has a firm contract to acquire it.

13. Notification statement: Public availability of Property-Related Information. Any party who has signed below acknowledges receipt of this notification: All documents pertaining to both Federal and non-Federal Lands necessary for the evaluation, processing, and consummation of a land adjustment transaction, including but not limited to appraisals, timber cruises, specialist reports, geology/mineral reports, title and other property information, are subject to public availability pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a).

\_\_\_\_\_  
Date

BY: \_\_\_\_\_  
Authorized Representative  
Resolution Copper Mining, LLC

\_\_\_\_\_  
Date

BY: \_\_\_\_\_  
Authorized Officer  
U.S. Department of Agriculture

## Forest Service

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0105. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**EXHIBIT A**

Property that Resolution will exchange:

I. Non-Federal Land to the U.S. Department of Agriculture

a. Approximately 147 acres of land located in Gila County, Arizona and depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–**Turkey Creek**” and dated March 2011 and more-specifically described as:

*Homestead Entry Survey No. 151 (Patent No. 627759) within Section 3, T.7N., R.12E., G&SRM., subject to reservations in patents and all easements, rights-of-way, covenants, and restrictions as may appear of record.*

*Subject to: Reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.*

b. Approximately 148 acres of land located in Yavapai County, Arizona and depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–**Tangle Creek**” and dated March 2011 and more-specifically described as:

*Homestead Entry Survey No. 416 (Patent No. 984194), embracing a portion of, approximately, Section 2, T.9N., and Sections 34 and 35, T.91/2N., R.5E., G&SRM., more particularly described as follows:*

*BEGINNING at Corner No. 1, from which U.S. Location Monument No. 38 H.E.S. bears North 41°25’ East, 154.16 chains distant; thence South 39°33’ East, 16.24 chains to Corner No. 2; thence South 13°12’ West, 16.07 chains to Corner No. 3; thence North 71°15’ West, 78.71 chains to Corner No. 4; thence North 13°11’ East, 12.59 chains to Corner No. 5; thence South 81°44’ East, 65.73 chains to Corner No. 1, the POINT OF BEGINNING.*

*And as further described and set forth on Map recorded in Book 12 of Maps, page 20, records of Yavapai County, Arizona.*

*Subject to: Water rights, claims or title to water, whether or not of public record, reservations contained in the patent from the United States of America or the state, any rights, easements, interests or claims which may exist by reason of or be reflected by the facts shown on the Retracement and Remonumentation Survey recorded in Book 12, Page 20 of Maps, Certificate of Water Right recorded in Book 2203, page 629, and Revised in Book 2399, page 269 of Official Records, any rules or regulations prescribed by the Secretary of Agriculture concerning the use of National Forest Service roadway system which provides access to the within described property, right of way for Tangle Creek.*

c. Approximately 149 acres of land located in Maricopa County, Arizona and depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–**Cave Creek**” and dated March 2011 and more-specifically described as:

*Homestead Entry Survey No. 317, embracing a portion of, approximately, Sections 21 and 28, T.7N., R.4E., G&SRM., more particularly described as follows:*

*BEGINNING at Corner No. 1, from which U.S. Location Monument No. 317, H.E.S. bears South 59°57’ East 10-58/100ths chains distant; thence South 46°12’ East 26-94/100ths chains to Corner No. 2; thence South 04°03’ East 61 chains to Corner No. 3; thence West 19-84/100ths chains to Corner No. 4; thence North 05°51’ West 71-34/100ths chains to Corner No. 5; thence North 21°46’ East 9-22/100ths chains to Corner No. 1, the POINT OF BEGINNING, according to the Official Plat of Survey of the said Land, returned to the General Land Office by the Surveyor-General.*

*Subject to: Reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.*

d. Approximately 640 acres of land located in Coconino County, Arizona and depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–**East Clear Creek**” and dated March 2011.

*All of Section 9, T.14N., R.12E., G&SRM.*

*Subject to: Obligations imposed upon said land by its inclusion within any district formed pursuant to Title 48, Arizona Revised Statutes, excluding however Municipal or County Improvement Districts; the rights of the United States of America the State of Arizona and/or other parties to any portion of the within property lying within the bed, or former bed, of any water course, as that term is defined under Arizona law; any terms, conditions, rules or restrictions imposed, upon the right of access to the land described in Schedule A, by the United States of America acting by and through the Forest Service, Department of Agriculture; easements, liens or encumbrances, or claims thereof, which are not shown by the public records; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.*

e. Approximately 110 acres of land located in Pinal County, Arizona and depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–**Apache Leap South End**” and dated March 2011 and more-specifically described as:<sup>1</sup>

*The Panic patented lode mining claim, Mineral Survey No. 2836, embracing a portion of Section 2, T.2S., R.12E., G&SRM., a more particular description of which is set forth in Mineral Patent No. 633038 from the United States of America to Consolidated Holding and Trust Co., dated*

---

<sup>1</sup> This parcel must be surveyed to obtain an adequate legal description.

*June 4, 1918, and recorded in Book 4 of Mining Deeds, page 174 of the official records of Pinal County, containing 18.131 acres, more or less.*

*Portions of the Selma and Skiberean patented lode mining claims, Mineral Survey No. 2837, embracing a portion of Sections 1 and 12, T.2S., R.12E., G&SRM., a more particular description of which is set forth in Mineral Patent No. 413338 from the United States of America to Consolidated Holding and Trust Co., dated June 12, 1914, and recorded in Book 2 of Mining Deeds, page 306 of the official records of Pinal County, containing \_\_\_\_\_ acres, more or less.*

*The Touch Not No. 3 and portions of the Hillside, Touch Not, Rawhide, and Belmont patented lode mining claims, Mineral Survey No. 2838, embracing a portion of Section 12, T.2S., R.12 E., G&SRM., a more particular description of which is set forth in Mineral Patent No. 658231 from the United States of America to Consolidated Holding and Trust Co., dated January 10, 1919, and recorded in Book 3 of Mining Deeds, page 219 of the official records of Pinal County, containing \_\_\_\_\_ acres, more or less.*

*The Pacific No. 32 and portions of the Pacific No. 13, Pacific No. 19, and Grand patented lode mining claims, Mineral Survey No. 3581, embracing a portion of Section 12, T.2S., R.12E., G&SRM., a more particular description of which is set forth in Mineral Patent No. 838255 from the United States of America to Consolidated Holding and Trust Co., dated December 21, 1921, and recorded in Book 3 of Mining Deeds, page 561 of the official records of Pinal County, containing \_\_\_\_\_ acres, more or less.*

*Subject to all Permitted Encumbrances, as that capitalized term is defined in that certain Earn-In Agreement dated April 17, 2001, between BHP Copper Inc., a Delaware corporation, formerly known as Magma Copper Company, and Kennecott Exploration Company.*

## II. Non-Federal Land to the U.S. Department of the Interior

i. Approximately 3,050 acres of land located in Pinal County, Arizona and identified as “Lands to DOI” as generally depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011– Non-Federal Parcel–**Lower San Pedro River**” and dated July 6, 2011 and more-specifically described as:

### **PARCEL 1:**

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

### **PARCEL 2:**

LOTS 3 AND 4; THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THE WEST HALF OF THE NORTHWEST OF THE SOUTHEAST QUARTER; THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE SOUTHWEST QUARTER; AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF

SECTION 4, TOWNSHIP 9 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**PARCEL 3:**

THE WEST HALF OF THE NORTHWEST QUARTER; THE NORTH HALF OF THE SOUTHWEST QUARTER; THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE NORTH HALF OF THE NORTHEAST QUARTER; THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; AND THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**EXCEPTING** ALL MINERALS RESERVED TO THE UNITED STATES IN THE NORTH HALF OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**PARCEL 4:**

THE NORTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**PARCEL 5:**

THE EAST HALF AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**PARCEL 6:**

THE WEST HALF OF THE WEST HALF OF SECTION 28, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**PARCEL 7:**

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**EXCEPTING** ALL MINERALS AS AND TO THE EXTENT RESERVED TO THE UNITED STATES.

## PARCEL 8:

THE WEST HALF; THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE NORTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**EXCEPTING** A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 17 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST ALONG THE CENTER SECTION LINE OF SAID SECTION 20 FOR A DISTANCE OF 1165.09 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED;

THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 39.66 FEET ALONG THE ABOVE SAID CENTER SECTION LINE TO A POINT HEREAFTER REFERRED TO AS POINT "A";

THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST ALONG THE ABOVE SAID CENTER SECTION LINE FOR A DISTANCE OF 376.27 FEET TO A SET 5/8 INCH REBAR;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 133.54 FEET TO A POINT HEREAFTER REFERRED TO AS POINT "B";

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 442.77 FEET TO A SET 5/8 INCH REBAR;

THENCE NORTH 72 DEGREES 29 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 435.98 FEET TO A SET 5/8 INCH REBAR;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 696.04 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 6.07 ACRES.

**AND FURTHER EXCEPTING** ALL MINERALS RESERVED TO THE UNITED STATES IN THE NORTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER.

## PARCEL 9:

THE NORTH HALF OF THE SOUTHEAST QUARTER; THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST

# DRAFT

QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**EXCEPTING** A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 17 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST ALONG THE CENTER SECTION LINE OF SAID SECTION 20 FOR A DISTANCE OF 1165.09 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED;

THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 39.66 FEET ALONG THE ABOVE SAID CENTER SECTION LINE TO A POINT HEREAFTER REFERRED TO AS POINT "A";

THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST ALONG THE ABOVE SAID CENTER SECTION LINE FOR A DISTANCE OF 376.27 FEET TO A SET 5/8 INCH REBAR;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 133.54 FEET TO A POINT HEREAFTER REFERRED TO AS POINT "B";

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 442.77 FEET TO A SET 5/8 INCH REBAR;

THENCE NORTH 72 DEGREES 29 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 435.98 FEET TO A SET 5/8 INCH REBAR;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 696.04 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 6.07 ACRES.

## **PARCEL 10:**

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA;

**EXCEPTING** THAT PORTION THEREOF CONVEYED BY FRANK SMITH COMPANY, A CORPORATION TO ARIZONA RARE METALS COMPANY, A CORPORATION, BY DEED DATED APRIL 7, 1916, RECORDED APRIL 15, 1916, IN BOOK 30 OF DEEDS, PAGE 402, RECORDS OF PINAL COUNTY, ARIZONA; AND

**FURTHER EXCEPTING** THAT PORTION THEREOF LYING WITHIN THE SANTA CATALINA MILLSITE; AND

**FURTHER EXCEPTING** THAT PORTION THEREOF LYING WITHIN THE TOWNSITE OF MAMMOTH, ACCORDING TO THE PLAT THEREOF OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY, ARIZONA; AND

**FURTHER EXCEPTING** THAT PORTION DESCRIBED AS COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 19; THENCE SOUTH 88 DEGREES 45 MINUTES 05 SECONDS WEST ALONG THE CENTER SECTION LINE A DISTANCE OF 532.18 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE SOUTH 36 DEGREES 30 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 124.13 FEET TO A SET 5/8 INCH STEEL PIN; THENCE SOUTH 57 DEGREES 29 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 260.64 FEET TO A SET 5/8 INCH STEEL PIN ON THE EAST LINE OF MAMMOTH TOWNSITE; THENCE NORTH 36 DEGREES 30 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 224.71 FEET ALONG THE EAST LINE OF MAMMOTH TOWNSITE TO A FOUND ONE INCH STEEL PIN; THENCE NORTH 48 DEGREES 14 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 77.89 FEET ALONG THE EAST LINE OF MAMMOTH TOWNSITE TO A FOUND ONE INCH STEEL PIN; THENCE NORTH 88 DEGREES 45 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 337.83 FEET TO THE POINT OF BEGINNING; AND

**FURTHER EXCEPTING** THAT PORTION DESCRIBED AS COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 19; THENCE SOUTH 88 DEGREES 45 MINUTES 05 SECONDS WEST ALONG THE CENTER SECTION LINE A DISTANCE OF 532.18 FEET TO A POINT; THENCE SOUTH 36 DEGREES 30 MINUTES 39 SECONDS EAST A DISTANCE OF 124.13 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 36 DEGREES 30 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 307.55 TO A SET 5/8 INCH STEEL PIN ON THE NORTH RIGHT-OF-WAY LINE OF BLUEBIRD STREET; THENCE SOUTH 53 DEGREES 29 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 260.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF BLUEBIRD STREET TO A FOUND ½ INCH REBAR; THENCE NORTH 36 DEGREES 30 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 325.74 FEET ALONG THE EAST LINE OF MAMMOTH TOWNSITE TO A SET 5/8 INCH REBAR; THENCE NORTH 57 DEGREES 29 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 260.64 FEET TO THE POINT OF BEGINNING; AND,

**FURTHER EXCEPTING** THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 19, DESCRIBED AS FOLLOWS; COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 19; THENCE SOUTH 01 DEGREES 26 MINUTES 07 SECONDS EAST, A DISTANCE OF 756.29 FEET ALONG THE EAST LINE OF SAID SECTION 19 TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE SOUTH 01 DEGREES 26 MINUTES 07 SECONDS EAST FOR A DISTANCE OF 452.53 FEET

ALONG THE EAST LINE OF SAID SECTION 19 TO A POINT; THENCE NORTH 36 DEGREES 30 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 814.85 FEET ALONG THE EAST LINE OF MAMMOTH TOWNSITE TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BLUEBIRD STREET; THENCE NORTH 53 DEGREES 29 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 260.00 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF BLUEBIRD STREET TO A POINT; THENCE SOUTH 36 DEGREES 30 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 444.50 FEET TO THE POINT OF BEGINNING.

**PARCEL 11:**

LOT 1; THE NORTH HALF OF THE NORTHEAST QUARTER; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA;

**EXCEPTING** ANY PORTION LYING WITHIN STATE HIGHWAY 77-177 RIGHT OF WAY; AND

**FURTHER EXCEPTING** THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18, SAID POINT BEING THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 18 A DISTANCE OF 85.86 FEET TO A POINT; THENCE NORTH 39 DEGREES 54 MINUTES 19 SECONDS EAST A DISTANCE OF 1231.61 FEET TO A POINT; THENCE SOUTH 63 DEGREES 21 MINUTES 53 SECONDS EAST A DISTANCE OF 1316.37 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE NO. 77; THENCE SOUTH 16 DEGREES 00 MINUTES 53 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 174.25 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE SOUTHWESTERLY ALONG A SPIRAL TRANSITION CURVE TO THE LEFT HAVING A CORD OF 284.12 FEET AND A CORD BEARING OF SOUTH 15 MINUTES 07 DEGREES 09 MINUTES WEST; THENCE NORTH 89 DEGREES 57 MINUTES 37 SECONDS WEST A DISTANCE OF 1844.22 FEET TO THE POINT OF BEGINNING; AND

**FURTHER EXCEPTING** THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18, SAID POINT BEING THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE SOUTH 69 DEGREES 27 MINUTES 06 SECONDS EAST A DISTANCE OF 849.67 FEET TO A POINT; THENCE SOUTH 39 DEGREES 54 MINUTES 19 SECONDS WEST A DISTANCE OF 1231.61 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 18; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 18 A DISTANCE OF 1243.02 FEET TO THE POINT OF BEGINNING; AND

**FURTHER EXCEPTING** THAT PARCEL OF SAID SECTION 18: BEGINNING AT THE CENTER OF SECTION 18; THENCE SOUTH 89 DEGREES 52 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 940.24 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AND THE TRUE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4683.66 FEET AND A ARC LENGTH OF 428.49 FEET, BEING SUBTENDED BY A CORD OF NORTH 01 DEGREES 08 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 428.34 FEET; THENCE SOUTH 85 DEGREES 30 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 202.88 FEET; THENCE SOUTH 03 DEGREES 22 MINUTES 03 SECONDS WEST FOR A DISTANCE OF 413.57 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 218.00 FEET TO THE TRUE POINT OF BEGINNING; AND

**FURTHER EXCEPTING** A PARCEL OF LAND IN SAID SECTION 18: BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 89 DEGREES 44 MINUTES 58 SECONDS EAST 1302.21 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 11 MINUTES 27 SECONDS EAST ALONG THE WEST BOUNDARY OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 18, 827.62 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 33 SECONDS EAST 427.50 FEET TO THE WESTERLY RIGHT OF WAY LINE FOR STATE ROUTE 77; THENCE SOUTHWESTERLY ALONG THE RIGHT OF WAY FOR STATE ROUTE 77 ON A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 4744.57 FEET, PASSING THROUGH A CENTRAL ANGLE OF 04 DEGREES 49 MINUTES 46 SECONDS, AN ARC LENGTH OF 399.91 FEET; THENCE SOUTH 85 DEGREES 37 MINUTES 00 SECONDS WEST, 202.84 FEET; THENCE SOUTH 03 DEGREES 22 MINUTES 53 SECONDS WEST, 413.69 FEET TO THE EAST-WEST CENTER LINE OF SAID SECTION 18; THENCE SOUTH 89 DEGREES 53 MINUTES 28 SECONDS WEST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 18, 160.58 FEET TO THE TRUE POINT OF BEGINNING; AND

**FURTHER EXCEPTING** THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18; THENCE SOUTH 89 DEGREES 57 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 1312.20 FEET ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18 TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED: THENCE SOUTH 89 DEGREES 57 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 532.02 FEET ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE 77; THENCE ALONG A CURVE CONCAVE TO THE LEFT, HAVING A RADIUS OF 4744.57 FEET AND AN ARC LENGTH OF 506.39 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 12 DEGREES 06 MINUTES 45 SECONDS WEST, FOR A DISTANCE OF 506.15 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE 77;

THENCE NORTH 89 DEGREES 53 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 427.07 FEET ALONG THE NORTH PROPERTY LINE OF THE DIALYSIS CENTER TO A PLASTIC CAP RLS 29869; THENCE NORTH 00 DEGREES 08 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 494.47 FEET TO THE POINT OF BEGINNING.

**PARCEL 12:**

THE NORTHWEST QUARTER; THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**EXCEPTING** ALL MINERALS RESERVED TO THE UNITED STATES IN THE NORTHWEST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**PARCEL 13:**

LOTS 2, 3 AND 4; THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

**EXCEPTING** ANY PORTION LYING WITHIN THE STATE ROUTE 77 RIGHT OF WAY.

**PARCEL 14:**

THE WEST HALF OF THE NORTHEAST QUARTER; THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 16 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

All of the groundwater rights and surface water rights appurtenant to the above-described real property as described in Claim Number 36-102337 filed with the Arizona Department of Water Resources, and the following wells to the extent located on the real property:

<b>Registration #</b>	<b>Location</b>	<b>Use</b>
55-624632	T8S,R17E,S32	Domestic/irrigation
55-624625	T8S,R17E,S29	Irrigation
55-624643	T8S,R17E,S29	Domestic/irrigation

55-800932	T8S,R17E,S21	Livestock
55-643806	T8S,R17E,S20	Stock/irrigation
55-624623	T8S,R17E,S20	Industrial
55-624641	T8S,R17E,S18	Domestic/Livestock
55-624629	T8S,R17E,S7	Domestic/Livestock
55-624642	T8S,R17E,S12	Livestock

The above-described water rights are subject to the current and Federal adjudication of water rights (In re the General Adjudication of All Rights to Use Water in the Gila River System and Source, Maricopa County Civil Cause Nos. W-1, W-2, W-3 and W-4, and United States v. Gila Valley Irrigation District, et. al, United States Federal District Court, Arizona Globe Equity No. 59), and any related pending legislation, administrative, or judicial allocation or determination of water rights appurtenant to the above-described real property. Resolution makes no representation or warranty regarding the eventual outcome of any such allocation, adjudication, or determination of ultimate entitlement, or the right to use, own and possess any water rights appurtenant to the above-described real property, or regarding the quantification, classification, past damages or limitations on use thereof.

### **Permitted Exceptions**

Permitted Exceptions shall consist of the following pertaining to the above-described real property:

1. Liens imposed by law, such as mechanics liens or tax liens, for sums which are not yet due or which are being contested in good faith and for which adequate provision has been made by Resolution and which shall remain the obligations of the Resolution;
2. Laws of general applicability, including zoning laws;
3. The following liens, encumbrances and exceptions:
  - a. Reservations in United States and State Patents.
  - b. Any charge upon said Premises by reason of its inclusion in Central Arizona Water Conservation District for the current and future years.
  - c. The rights or claims of title, if any, by the State of Arizona to any portion of the above-described real property being located in the bed of any river or dry wash.
  - d. Terms, covenants and conditions as set forth in instrument recorded in Docket 1987, Page 335.

- e. The terms and provisions contained in the document entitled “Pipe Line License” recorded January 18, 1995 as Docket 117, Page 306 of Official Records.
- f. An easement for electric power line and incidental purposes in the document recorded as Book 54 of Deeds, Page 579 and Page 580 of Official Records.
- g. As easement for electric power line and incidental purposes in the document recorded as Book 55 of Deeds, Page 347 of Official Records.
- h. An easement for railroad, telephone and telegraph lines and incidental purposes in the document recorded as Docket 113, Page 473 of Official Records.
- i. An easement for public highway and incidental purposes in the document recorded as Docket 139, Page 463 of Official Records.
- j. An easement for communication lines and incidental purposes in the document recorded as Docket 184, Page 473 of Official Records.
- k. An easement for pipe line and incidental purposes in the document recorded as Docket 191, Page 568 of Official Records.
- l. An easement for roadway purposes and incidental purposes in the documents recorded as Docket 242, Page 104 of Official Records.
- m. An easement for roadway and incidental purposes in the document recorded as Docket 297, Page 319 of Official Records.
- n. An easement for transmission lines and incidental purposes in the document recorded as Docket 358, Page 574 of official Records.
- o. An easement for electric power transmission system and incidental purposes in the document recorded as Docket 362, Page 595 of Official Records.
- p. An easement for electric power transmission line and incidental purposes in the document recorded as Docket 413, Page 322 of Official Records.
- q. An easement for electric lines and incidental purposes in the document recorded as Docket 686, Page 465 of Official Records.
- r. An easement for electric lines and incidental purposes in the document recorded as Docket 687, Page 292 of Official Records.
- s. An easement for haul road and incidental purposes in the document recorded as Docket 870, Page 260 of Official Records.
- t. An easement for drainage and incidental purposes in the document recorded as Docket 2076, Page 792 of Official Records.

- u. An easement for access road, power transmission site and communications and incidental purposes in the document recorded as 1999-045692 of Official Records.
  - v. An easement for power line and roadway and incidental purposes in the document recorded as 2003-065283 of Official Records.
4. Approximately 160 acres of land located in Gila and Pinal Counties, Arizona and identified as “Lands to DOI” as generally depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–**Dripping Springs**” and dated July 6, 2011 and more-specifically described as:

*Parcel No. 1:*

*The North half of the Southeast quarter of Section 7, Township 4 South, Range 15 East of the Gila and Salt River Base and Meridian, Gila County, Arizona. APN 101-01-005*

*Parcel No. 2:*

*The North Half of the Southwest quarter of Section 8, Township 4 South, Range 15 East of the Gila and Salt River Base and Meridian, Gila County, Arizona. APN 101-01-006*

*Subject to: Reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.*

5. Approximately 940 acres of land located in Santa Cruz County, Arizona, identified as “Lands to DOI” as generally depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Non-Federal Parcel–**Appleton Ranch**” and dated July 6, 2011 and more-specifically described as:

*Parcel 1:*

*The East half of Section 17, Township 21 South, Range 18 East, Gila and Salt River Base and Meridian.*

*APN 108-25-001*

*Parcel 2:*

*The South Half of Lot 4, the South Half of the North Half, the Northwest quarter of the Southeast quarter, and the Northeast quarter of the Southeast quarter of Section 15, Township 21 South, Range 18 East, Gila and Salt River Base and Meridian;*

*EXCEPT all coal and other minerals as reserved in the Patent from the United States of America.*

*APN 108-18-017C*

*Parcel 3:*

*All that portion of Section 28, Township 21 South, Range 18 East, Gila and Salt River Base and Meridian, more particularly described as follows:*

*BEGINNING at the corner common to Sections 21, 22, 27, and 28 of said Township and Range, a G.L.O. brass cap firmly set and properly marked:*

*THENCE South 89°58'00" West, 1,194.62 feet along and upon the North line of said Section 28;*

*THENCE South 01°29'22" East, 1,102.46 feet;*

*THENCE North 85°45'02" East, 549.81 feet;*

*THENCE South 26°42'49" East, 643.82 feet;*

*THENCE South 82°34'49" West, 642.26 feet;*

*THENCE North 89°59'20" West, 1,043.72 feet;*

*THENCE South 68°15'26" West, 1,020.59 feet;*

*THENCE North 08°35'36" East, 2,119.11 feet to the North Quarter corner of said Section 28;*

*THENCE North 89°58'00" East, 1,445.41 feet along and upon the North line of Section 28 to the Point of Beginning.*

*APN 108-36-003A.*

*Parcel 4:*

*The Northwest quarter of the Southeast quarter and the East half of the Northeast quarter of the Southwest quarter of Section 14, Township 21 South, Range 18 East, Gila and Salt River Base and Meridian.*

*APN 108-18-012A*

*Parcel 5:*

*Lot 2 and the Southwest quarter of the Northeast quarter and the East half of the Southeast quarter of the Northwest quarter of Section 14, Township 21 South, Range 18 East, Gila and Salt River Base and Meridian.*

*EXCEPT the Northeast quarter of said Lot 2 conveyed by Deed recorded in Docket 416 at page 491.*

*APN 108-18-012B*

*Parcel 6:*

*The West half of Lot 3 and the Southwest quarter of the Northwest quarter and the West half of the Southeast quarter of the Northwest quarter of Section 14, Township 21 South, Range 18 East, Gila and Salt River Base and Meridian.*

*EXCEPT that portion of said Lot 3 conveyed by Deeds recorded in Docket 633 at page 134 and Docket 633 at page 135.*

*APN 108-18-012H*

*Parcel 7:*

*The East half of Lot 4 and the Northwest quarter of the Southwest quarter and the West half of the Northeast quarter of the Southwest quarter of Section 14, Township 21 South, Range 18 East, Gila and Salt River Base and Meridian.*

*EXCEPT that portion of said Lot 4 conveyed by Deed recorded in Docket 545 at page 610;  
EXCEPT all coal and other minerals reserved in the Patent from the United States of America.*

*APN 108-18-019 and 108-18-020*

*Subject to: Reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.*

## **EXHIBIT B**

Property that the U.S.D.A. Forest Service will exchange:

Approximately 2,422 acres of land located in Pinal County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011–Federal Parcel–Oak Flat” and dated March 2011 and more-specifically described as follows:

*Portions of Sections 28, 29, 31, and 32 and all of Section 33 in Township 1N., R.13E., portions of Section 1, T.1S., R.12E. and Section 6, T.1S., R.13E. Gila and Salt River Base and Meridian.<sup>2</sup>*

Land reservations of the U.S.D.A. Forest Service, exceptions to title and uses to be recognized:

Reservations:

Outstanding Rights:

---

<sup>2</sup> This parcel must be surveyed to obtain an adequate legal description..

**EXHIBIT C<sup>3</sup>**

**IMPLEMENTATION SCHEDULE**

Case Name: Action Item Feasibility Analysis (Items 1-8)	Responsible for Preparation	Responsible for Costs <sup>4</sup>	Target Date
1. <del>Exchange—Define the Estates</del>			
2. <del>Forest Plan Compliance Review/Public Benefits Summary</del>			
3. Obtain Title Insurance Commitment/preliminary title report for Non-Federal Land	Resolution/FS		
4. Boundary Management Review	Forest Surveyor		
5. Federal Land Status Report	FS		
6. *Water Rights Analysis	Hydro/Appraiser		
7. <del>Valuation Consultation</del>			
8. <del>Identify Party Responsible for Costs</del>			
9. Draft ATI & Exhibits	FS/Resolution		
10. **Oversight (FA and Draft ATI)	RO/WO		
11. Execute Agreement To Initiate (ATI)	Resolution/SO/RO		
12. *Request BLM Serialization/ <del>—</del> Segregation	FS		
13. Prepare Notice of Publication/Posting	FS		
14. Notify County Commissioners, State Clearinghouse, Congressional Delegations, Tribal Governments, and other Agencies	FS		
15. <del>**Submit Notice of Publication for 30-day Appropriation Committee Review</del>	FS		
16. <i>Begin government-to-government consultation with “affected Indian tribes” pursuant to section c(3)(A) of the Act</i>	FS		
17. <i>FS-Resolution consult to address Indian tribes’ concerns and minimize adverse effects of mining and related</i>	FS/Resolution		

<sup>3</sup> Modified from the form implementation schedule in the Forest Service Land Acquisition Handbook Section 5409.13(39). Action Items in the form Exhibit C that are superseded by the Act are stricken. Actions items that are required by the Act, but not in the form Exhibit C are italicized.

<sup>4</sup> The Act requires Resolution to be responsible for all costs associated with the land exchange c(7).

# DRAFT

<i>activities on Federal land on Indian tribes pursuant to section c(3)(B).</i>			
18. *Notify Permittees	FS		
19. 4-Week Publication Period, Including Wetlands and Floodplains Information	FS		
20. Initiate Public Scoping	FS		
21. *Request Land Survey of Federal Lands	FS		
22. *Request Withdrawal Revocation(s)	FS		
23. *Prepare Mineral Potential Report	FS/Resolution		
24. Complete Certificate of Possession	FS		
25. Obtain SHPO Concurrence	FS		
26. Prepare TES Report/Consultation			
27. Prepare Wetlands/Floodplains Report			
28. Prepare Hazardous Substances Evaluation	Resolution/FS		
29. Analyze Effects on Cost Share Agreements (if applicable)	FS		
30. Request Appraisals	FS/Resolution		
31. Finalize Appraisals	Appraiser		
32. Prepare Appropriate NEPA Documentation	FS		
33. *Request BLM Concurrence on Minerals	FS		
34. *NEPA Comment Period	FS		
35. Appraisal Reviews and Approvals	FS		
36. <i>Make Appraisals available for public review pursuant to section c(4)(b)(iv) of the Act</i>	FS		
37. Certificate of Use and Consent	FS		
38. Agreement on Values	Resolution/FS		
39. <i>Secretary of Agriculture Approval of the Final Appraised Values pursuant to section c(4)(B)(ii)</i>	FS		
40. Finalize NEPA Document	FS		
41. Draft Decision Document	FS		
42. Draft Exchange Agreement	FS		
43. **Oversight (NEPA document and supporting documents, draft decision, appraisals and reviews, draft exchange agreement, and initial file material)	RO/WO		
44. <i>Objection Period Expires (45 days from publication date)</i>			
45. <i>Response to Objections (45 days from</i>	FS		

# DRAFT

<i>expiration of Objection Period)</i>			
46. Issue Decision	FS		
47. Publish Decision	FS		
48. <del>Appeal Period</del>	<del>FS</del>		
49. *** Certify Estate Consistency	FS		
50. Request Preliminary Title Opinion	FS		
51. Provide Preliminary Title Opinion	OGC		
52. Execute Exchange Agreement	Resolution/FS		
53. Prepare Form FS-5400-10 (Digest)	FS		
54. <del>*Submit to WO for Congressional Oversight</del>	<del>FS</del>		
55. Record Exchange Agreement and Update Title Commitments (optional)	Resolution/FS		
56. *Prepare/Obtain Easements, Relinquishments for Special Use Permits	Resolution/FS		
57. Prepare Deed to Non-Federal Land; Patent Request/Exchange Deed to Federal Land	Resolution/FS/BLM		
58. Supplemental Certificate of Possession	FS		
59. *Execute Easements/Relinquishment	Resolution/FS		
60. Execute Deeds to Non-Federal Land	Resolution		
61. Deliver Deeds and/or Patent	FS		
62. Record Patent and All Deeds and/or Patent	Resolution/FS		
63. File Water Rights Transfer/Use Documents	Resolution/FS		
64. Return Deeds to Non-Federal Land with Title Insurance Policy	Resolution		
65. Final Certificate of Use and Consent	FS		
66. Return Copies of Recorded Patent or Deeds to RO	FS		
67. Submit Final Form FS-5400-10 (Digest) to WO	FS		
68. Request Final Title Opinion	FS		
69. Provide Final Title Opinion	OGC		
70. Post Status and Close Case	FS		

\* If applicable/if needed.

\*\* Regional oversight applies to ALL cases. WO review required commensurate with WO designated value threshold.

**DRAFT**

\*\*\*Certify that the estate appraised is identical to the physical estate; estate noted in Decision Document, Exchange Agreement, and Deeds.