



The Jicarilla Apache Nation

EXECUTIVE OFFICES

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Jicarilla Apache Reservation
Tulameen, N.M. 8887-1987

June 8, 2011

Via U.S. Main and Facsimile

Doc Hasting, Chairman
The U.S. House of Representatives
Natural Resources Committee
1203 Longworth House Office Building
Washington, DC 20515

Edward Markey, Ranking Minority Member
The U.S. House of Representatives
Natural Resources Committee
2108 Rayburn House Office Building
Washington, DC 20515

Rob Bishop, Chairman
The U.S. House of Representatives
Subcommittee on National Parks, Forest &
Public Lands
123 Cannon House Office Building
Washington, DC 20515

Raul Grijalva, Ranking Minority Member
The U.S. House of Representatives
Subcommittee on National Parks,
Forest & Public Lands
1511 Longworth House Office Building
Washington, DC 20515

Don Young, Chairman
The U.S. House of Representatives
Subcommittee on Indian & Alaska Native
Affairs
2314 Rayburn House Office Building
Washington, DC 20515

Dan Boren, Ranking Minority Member
The U.S. House of Representatives
Subcommittee on Indian & Alaska Native
Affairs
2447 Rayburn House Office Building
Washington, DC 20515

Re: Opposition to H.R. 1904- Southeast Arizona Land Exchange & Conservation Act

Dear Chairman and Representatives:

On behalf of the Jicarilla Apache Nation, I am writing to express our strong objection to H.R. 1904 – the Southeast Arizona Land Exchange and Conservation Act of 2011. This legislation would allow foreign-owned conglomerates, Rio Tinto PLC (United Kingdom) and BHP Billiton Ltd (Australia) through their subsidiary Resolution Copper Company (RCC), to acquire over 2,400 acres of public lands within the Tonto National Forest in Arizona to develop and operate an unprecedented copper mining project on the ancestral lands of the Western Apache People.



The lands that RCC hopes to acquire from Congress for their mine are located just west of the San Carlos Apache Reservation, and within the important Oak Flat/Apache/Leap/Gaan Canyon area, which is a geographic area of critical importance to the religion, culture, and traditions of the San Carlos Apache Tribe, White Mountain Apache Tribe, Fort McDowell Yavapai Nation and other Native Nations, both in Arizona and New Mexico.

If Congress passes H.R. 1904, RCC will be able to mine these lands with virtual impunity using block cave mining, which is one of the cheapest mining techniques available today. This form of mining will result in massive surface collapse that will destroy the landscape of this special place, along with the animals, plants and water that live there. This mining project should not be allowed to happen under any circumstances given its potential to desecrate this sacred place.

The environmental impacts of the proposed land exchange are also of great concern to us. H.R. 1904 contains sham "NEPA" provisions which are only required to be implemented *after* the Bill is passed, rather than before Congressional action. H.R. 1904 does not mandate the true "hard look" that NEPA would require and it would allow RCC to move forward with this massive mining project, without an independent agency like the United States Geological Survey or some other agency first being required to study the projects potential impacts on the land, environment and water supply of the Oak Flat region. This "leap before you look" approach is very dangerous. We have all seen how this approach has had tragic consequences for the people living on the Gulf coast in the wake of the BP offshore oilrig explosion that leaked enormous amounts of toxic oil and gas into the ocean, contaminating its waters and beaches, and killing thousands upon thousands of animals.

If large mining companies like RCC can simply go to Congress to get permission to destroy this sacred site, other big companies will likely do the same, both here in Arizona and elsewhere across the United States, leading to potentially devastating consequences for Indian tribes, nations and communities everywhere.

We therefore urge you to reject this harmful legislation. The United States should not transfer these lands to these foreign mining companies to facilitate a mining project that will provide benefits to foreign shareholders of BHP Billiton and Rio Tinto, while leaving America to deal with the mess and the loss of this special place.

Respectfully,



Levi Pesata
President
Jicarilla Apache Nation

Cc: Jeff Bingaman, Chairman
The U.S. Senate
Energy & Natural Resources Committee
703 Hart Senate Office Building
Washington, DC 20510