

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 478-3700
FAX # (208) 237-0797



FORT HALL BUSINESS COUNCIL
P.O. BOX 306
FORT HALL, IDAHO 83203

October 27, 2011

The Honorable Jeff Bingaman
Chairman
Senate Energy and Natural Resources Cmte.
United States Senate
Washington, D.C. 20510

The Honorable Lisa Murkowski
Ranking Member
Senate Energy and Natural Resources Cmte.
United States Senate
Washington, D.C. 20501

Re: *Opposition to H.R. 1904, Southeast Arizona Land Exchange and Conservation Act of 2011*

Dear Chairman Bingaman and Ranking Member Murkowski:

On behalf of the Shoshone-Bannock Tribes, I write to express our strong opposition to H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011. H.R. 1904 would direct the Secretary of Agriculture to convey over 2,400 acres of U.S. Forest Service land in southeast Arizona in an area known as Oak Flat to a mining company called Resolution Copper, which is owned by the foreign mining giants Rio Tinto PLC (United Kingdom) and BHP Billiton Ltd (Australia). The mining company seeks to develop and operate an unprecedented large-scale copper mine on this land if it is conveyed to it by the Forest Service. This public land has significant religious, cultural, historical, and archeological value to tribes in the region. The House passed this bill on October 26, 2011; and this bill, once received in the Senate, will likely be referred to your Committee.

H.R. 1904 has national significance because it is the only legislation pending in Congress that would transfer federal land that is a sacred site of tribes to a private company for mining activities that will destroy it. The Obama Administration does not support this legislation partly because this federal land is a tribal sacred site. This land is also a traditional cultural property eligible for protection under the National Historic Preservation Act. We believe, at a minimum, this land should remain under federal jurisdiction for protection instead of being conveyed to a private foreign mining company whose project will collapse the surface of the earth and destroy the unique sacred and cultural sites located there.

Further, we believe that H.R. 1904 sets a bad precedent for a number of reasons. It does not allow for meaningful consultation with Indian tribes that would be affected by the proposed conveyance. The federal government has a fiduciary responsibility to Indian tribes to protect places of significance to Native Americans under federal jurisdiction. Under no circumstance should the federal government convey these lands to others where destruction of the area will be the inevitable result and where future generations will have to deal with the mess.

H.R. 1904 mandates that the Secretary of Agriculture convey to the mining company the land in question within one year of enactment of the Act without any advance studies or analyses. Studies and analyses are critical for informed government-to-government consultation with affected Indian tribes. Also, it is necessary to provide the public with information about the mining company's proposed mining project, the impacts of the mining on the land, water, cultural resources, animals, and plants as well as the extent, quality, and value of the ore body below the surface of this land which would be conveyed to these foreign mining companies under H.R. 1904. These studies and analyses should be conducted before there are any decisions on whether to convey this land. The mining company should not be allowed to circumvent laws and policies designed to promote tribal consultation and to ensure transparency and full consideration of impacts and consequences.

I appreciate your efforts on our behalf and look forward to working with you on this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Nathan Small". The signature is written in a cursive style with a large, looping initial "N".

Nathan Small, Chairman

Shoshone-Bannock Tribes