



NATIONAL CONGRESS OF AMERICAN INDIANS

December, 15, 2009

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

The Honorable Lisa Murkowski
Ranking Member
Energy and Natural Resources Cmte.
United States Senate
Washington, D.C. 20510

Dear Chairman Bingaman and Ranking Member Murkowski:

On behalf of the National Congress of American Indians, we write to express opposition to S. 409, the Southeast Arizona Land Exchange, and the proposed Amendment in the Nature of a Substitute which we understand your Committee has scheduled for a mark-up on Wednesday, December 16, 2009.

Under the legislation, the U.S. Forest Service land that would be conveyed to Resolution Copper, called the Oak Flat parcel, contains sites of archaeological, historical, religious, and cultural significance to tribes in the area and to other tribes that have historical connections to this land. Specifically, the area of Oak Flat and the adjacent areas of Apache Leap, Gaan Canyon, and Queen Creek Canyon hold spiritual and religious importance to the Apaches, Yavapais, and others. We share these tribes' deep concerns that the conveyance of this land for mining purposes would likely lead to desecration or destruction of these sites. We support the efforts of the Inter-Tribal Council of Arizona and the tribes in Arizona and New Mexico working to protect these sites. Once desecrated or destroyed, these sites and lands will be permanently lost to us. Accordingly, the utmost care and caution must be exercised when considering transferring these lands out of federal ownership.

As you know, the federal government has a fiduciary responsibility to Native Americans and fulfilling this responsibility requires ensuring proper stewardship of this public land, which was once tribal land. We urge the Committee, as stewards of this land with trust obligations to Native Americans, to consider the impact this legislation would have on tribes and our communities.

At a minimum, the legislation should require full protections for these precious sites if the land is conveyed for mining purposes and to ensure access to Native Americans to these sites based upon formal consultations with tribal governments. Further, upon and after conveyance, the mining company should be required to adhere to federal laws and policies that

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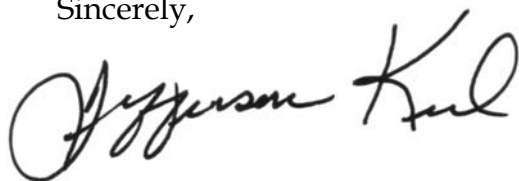
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protect sacred sites in their use and occupation of the land, including the American Indian Religious Freedom Act, the Archaeological Resources Protection Act of 1979, the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, and Executive Order 13007.

Thank you for your consideration of our views and we look forward to working with you to protect these sites.

Sincerely,

A handwritten signature in black ink that reads "Jefferson Keel". The signature is written in a cursive style with a large initial "J" and a distinct "K".

Jefferson Keel
President