

SAN CARLOS APACHE TRIBE

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February 27, 2013

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Dear Chairs and Ranking Members:

On behalf of the San Carlos Apache Tribe, I write to express our strong opposition to the identical bills of S. 339 introduced by Arizona Senators John McCain (R) and Jeff Flake (R) and H.R. 687 introduced by Arizona Rep.

Senate and House Committees

Re: Opposition to H.R. 687 and S. 339

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Paul Gosar (R-CD4) and Rep. Ann Kirkpatrick (D-CD1) on Feb. 14, 2013. The bills are captioned the Southeast Arizona Land Exchange and Conservation Act of 2013 and were referred to the Senate Energy and Natural Resources Committee and the House Natural Resources Committee. We respectfully request your assistance in ensuring that the Congress does not pass S. 339 or H.R. 687 during the 113th Congress. The bills are identical to their predecessor bill, H.R. 1904, introduced by Rep. Paul Gosar in the 112th Congress.

S. 339 and H.R. 687 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 Oak Flat if conveyed. This public land has significant religious, cultural, historical, and archeological value to tribes in the region.

S. 339 and H.R. 687 have national significance because it is the only legislation pending in Congress that would transfer a known sacred site located on federal lands to a private company for mining activities that will destroy it. The Obama Administration did not support the previous legislation H.R. 1904 partly because this federal land is home to 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.

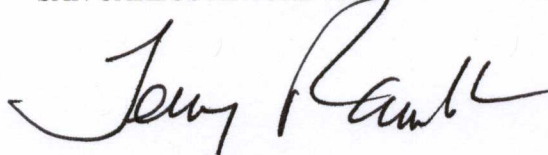
Further, we believe that S. 339 and H.R. 697 set a bad precedent for a number of reasons. The bills do not allow for meaningful consultation with Indian tribes that would be affected by the proposed conveyance. The federal government has a fiduciary responsibility to Indian tribes to protect places of 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.

S. 339 and H.R. 697 mandate that the Secretary of Agriculture convey to the mining company the federal 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 to 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 these bills. 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 your consideration of this important matter.

Sincerely,

SAN CARLOS APACHE TRIBE

A handwritten signature in black ink, appearing to read "Terry Rambler", with a stylized flourish at the end.

Terry Rambler
Chairman

Senate and House Committees

Re: Opposition to H.R. 687 and S. 339

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cc: John Bush, Vice- Chairman
Tribal Council Members
A.B. Ritchie, Tribal Attorney General
John Lewis, Executive Director, Inter Tribal Council of Arizona
Jefferson Keel, President, National Congress of American Indians
Jacqueline Pata, Executive Director, NCAI
Debbie Ho, Mapetsi
File