



United South and Eastern Tribes, Inc.

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February 22, 2013

Honorable Ron Wyden
Chairman
Senate Energy and Natural Resources Cmte.

Honorable Joe Manchin
Chairman
Subcmte. on Public Lands, Forests, Mining
Senate Energy and Natural Resources Cmte.

Honorable Maria Cantwell
Chair
Senate Indian Affairs Cmte.

Honorable Doc Hastings
Chairman
House Natural Resources Cmte.

Honorable Rob Bishop
Chairman
Subcmte. on Public Lands and
Environmental Regulation
House Natural Resources Cmte.

Honorable Don Young
Chairman
Subcmte on Indian and Alaska Native Affairs
House Natural Resources Cmte.

Honorable Lisa Murkowski
Ranking Member
Senate Energy and Natural Resources Cmte.

Honorable John Barrasso
Ranking Member
Subcmte. on Public Lands, Forests, Mining
Senate Energy and Natural Resources Cmte.
Co-Chair
Senate Indian Affairs Committee

Honorable Edward Markey
Ranking Member
House Natural Resources Cmte.

Honorable Raul Grijalva
Ranking Member
Subcmte. on Public Lands and
Environmental Regulation
House Natural Resources Cmte.

Honorable Colleen Hanabusa
Ranking Member
Subcmte. on Indian and Alaska Native Affairs
House Natural Resources Cmte.

Re: Opposition to S. 339 and H.R. 687, Southeast Arizona Land Exchange and Conservation Act of 2013

Dear Chairs and Ranking Members:

On behalf of United South and Eastern Tribes, Inc. (USET), an intertribal organization representing 26 federally recognized Tribes from Maine to Texas, I write to express our strong opposition to the identical bills of S. 339 and H.R. 687. 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 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 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 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 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 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.

The environmental impacts of the proposed land exchange are also of great concern to us. If large mining companies can go to Congress to shortcut Tribal cultural and historic reviews, as well as Tribal consultation obligations, many important sacred places will be put in jeopardy and destroyed, causing great harm to Tribal nations and indeed, our Nation as whole.

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

I appreciate your efforts on our behalf and your consideration of this important matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Brian Patterson". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Brian Patterson
USET President

cc: State congressional delegation
Terry Rambler, Chairman, San Carlos Apache Tribe

"Because there is strength in Unity"