

April 27, 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate

The Honorable Joe Manchin
Chairman
Senate Energy and Natural Resources Cmte

The Honorable Pelosi
Speaker of the House
House of Representatives

The Honorable Raul Grijalva
Chairman
House Natural Resources Cmte

Re: Support for H.R. 1884/S.915, the Save Oak Flat Act

Dear Members:

On behalf of the undersigned tribal organizations, we write to show our support for the enactment of H.R. 1885/S.915, the Save Oak Flat Act. Collectively, we advocate on behalf of Tribal Nations from across the country. We stand in solidarity with the Native American tribes, religious freedom groups, conservationists, and average Americans who wish to protect Oak Flat and stop a massive give-away to foreign mining corporations.

Chi'chil Bildagoteel, known as Oak Flat, is a Traditional Cultural Property listed on the National Register of Historic Places located in the Tonto National Forest (TNF) in southeastern Arizona. The Oak Flat area plays a vital role in tribal religion, tradition, and culture. Since time immemorial, native people have come to Oak Flat to participate in ceremonies, to pray, to gather medicines and ceremonial items, and to seek and obtain peace and personal cleansing. It is part of the U.S.'s sad history in its mistreatment of tribes that the lands administered by federal land management agencies are lands taken away from tribes by the United States. These lands are ancestral homelands of tribes, and we still retain their connections to these lands.

Tribal leaders and allies have been working for almost two decades to protect the Oak Flat area. Resolution Copper, a subsidiary of foreign mining conglomerates Rio Tinto and BHP Billiton, hope to build the largest copper mine in North America at the Oak Flat area. To build the mine, the companies worked behind closed doors to ensure the Southeast Arizona Land Exchange (land exchange) was included as Section 3003 of the FY15 NDAA, P.L. 113-291. The land exchange transfers 2,422 acres of TNF land, including sacred Oak Flat, to Resolution Copper in exchange for Resolution Copper-owned parcels that will go to the Department of the Interior and the U.S. Forest Service.

The mine, associated infrastructure, and toxic waste material will not only permanently destroy Oak Flat but will directly, adversely, and permanently affect numerous sacred springs, traditional areas, burial locations, and other cultural places and experiences of high spiritual and cultural value. The massive mine will cause irreversible destruction to thousands of acres of public lands and contaminate already scarce water sources. Resolution Copper plans to use a block-cave mining technique, which will result in a 1.8-mile-wide crater (the distance from the Capitol to the Lincoln Memorial) over a thousand feet deep. The mine will consume more than

637,000 acre-feet of water and require over 40 miles of pipeline through large parts of the TNF to slurry out toxic waste and ore concentrate. It will also require the construction of massive utility and road corridors that could span 500 feet in width. This mine will deplete and contaminate precious water resources in the region and result in a toxic waste dump that could cover 15,000 acres and be taller than the Washington Monument.

As part of the legislation, the land exchange is subject to NEPA (Sec. 3003 (c)(9)) as well as appraisals of the lands to be exchanged and public review of the appraisals (Sec. 3003(c)(4)). However, TNF failed to comply with NEPA and other applicable federal laws and they failed to complete the required appraisals of the lands to be exchanged. Instead, TNF rushed to publish the Final EIS on January 15, 2021, to artificially start a 60-day clock under Section 3003(c)(10) to give away sacred Oak Flat to Resolution Copper to pave the way for its mine that will destroy Oak Flat, large swaths of TNF, and other surrounding areas with no simultaneous commensurate conveyances of Resolution Copper-owned land to the federal government.

On March 1, 2021, USDA directed the Forest Service to withdraw the Notice of Availability and rescind the FEIS and draft Record of Decision. USDA noted that rescinding the FEIS will ensure the Forest Service complies with “the environmental, cultural, and archaeological analyses required” and concluded that “additional time is necessary to fully understand concerns raised by Tribes and the public and the project’s impacts on these important resources and ensures the agency’s compliance with federal law.” Importantly, USDA noted that because the exchange was directed under the FY15 NDAA that “long-term protection of the site will likely require an act of Congress.”

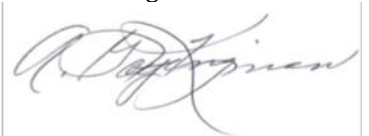
We condemn the destruction of a tribal sacred site, the flagrant disregard for the importance of life-giving water, and the disregard for significant tribal concerns during the NEPA process.

For these reasons, we respectfully request that you enact the Save Oak Flat Act. On behalf of Native Americans nationwide, thank you for considering this important request.

Sincerely,



Fawn Sharp, President
National Congress of American Indians



A. Gay Kingman, Executive Director
Great Plains Tribal Chairman’s Association



Willfred Herrera, Jr., Chairman
All Pueblo Council of Governors



Mark N. Fox, Chairman
Coalition of Large Tribes



Kirk Francis, President
United South and Eastern Tribes Sovereignty
Protection Fund



Aaron Payment, Vice President
Midwest Alliance of Sovereign Tribes



Chris James, President & CEO
National Center for American Indian Enterprise
Development



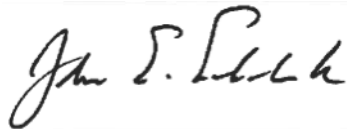
LaDonna Harris, President
Americans for Indian Opportunity



W. Ron Allen, Chairman
Self-Governance Communication & Education Tribal
Consortium



Cris Stainbrook, President
Indian Land Tenure Foundation



John E. Echohawk, Executive Director
Native American Rights Fund



Leonard Forsman, President
Affiliated Tribes of Northwest Indians



Inter Tribal Association of Arizona

21 TRIBAL NATIONS

April 16, 2021

The Honorable Chuck Schumer
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Chairman
Senate Energy and Natural Resources Cmte

The Honorable Pelosi
Speaker of the House
House of Representatives

The Honorable Raul Grijalva
Chairman
House Natural Resources Cmte

Re: Support for H.R. 1884/S.915, the Save Oak Flat Act

Dear Members:

This letter is being submitted on behalf of the Inter Tribal Association of Arizona (ITAA) to show our support for the enactment of H.R.1885/S.915, the Save Oak Flat Act. ITAA is an inter-tribal consortium of 21 federally recognized Indian Tribes with lands in Arizona, California, New Mexico, and Nevada. The Member Tribes of ITAA have advocated together since 1952 on issues of common interest and concern across Indian Country. ITAA is governed by the highest elected Tribal officials from each Tribe, including Tribal chairpersons, presidents and governors.

ITAA stands in solidarity with the Native American tribes, religious freedom groups, conservationists, and average Americans who wish to protect Oak Flat and stop the transfer of over 2,400 acres of public lands to foreign mining corporations for destructive mining purposes.

Chi'chil Bildagoteel, known as Oak Flat, is a Traditional Cultural Property listed on the National Register of Historic Places located in the Tonto National Forest (TNF) in southeastern Arizona. The Oak Flat area plays a vital role in tribal religion, tradition, and culture. Since time immemorial, native people have come to Oak Flat to participate in ceremonies, to pray, to gather medicines and ceremonial items, and to seek and obtain peace and personal cleansing. It is part of the U.S.'s sad history in its mistreatment of tribes that the lands administered by federal land management agencies are lands taken away from tribes by the United States. These lands are ancestral homelands of tribes, and we still retain their connections to these lands.

Tribal leaders and our allies have been working for almost two decades to protect the Oak Flat area. Resolution Copper, a subsidiary of foreign mining conglomerates Rio Tinto and BHP Billiton, hope to build the largest copper mine in North America at the Oak Flat area. To build the mine, the companies worked behind closed doors to ensure the Southeast Arizona Land Exchange (land exchange) was included as Section 3003 of the FY15 NDAA, P.L. 113-291. The land exchange transfers 2,422 acres of TNF land, including sacred Oak Flat, to Resolution Copper in exchange for Resolution Copper-owned parcels that will go to the Department of the Interior and the U.S. Forest Service.

Ak-Chin Indian
Community
Cocopah Tribe
Colorado River
Indian Tribes
Fort McDowell
Yavapai Nation
Fort Mojave
Indian Tribe
Gila River Indian
Community
Havasupai Tribe
Hopi Tribe
Hualapai Tribe
Kaibab Band of Paiute
Indians
Pascua Yaqui Tribe
Pueblo of Zuni
Quechan Tribe
Salt River Pima-
Maricopa Indian
Community
San Carlos
Apache Tribe
San Juan
Southern Paiute Tribe
Tohono O'odham
Nation
Tonto Apache Tribe
White Mountain
Apache Tribe
Yavapai-Apache
Nation
Yavapai-Prescott
Indian Tribe

The mine, associated infrastructure, and toxic waste material will not only permanently destroy Oak Flat, it will also deplete, and in some cases, permanently destroy numerous sacred springs, traditional areas, burial locations, and other cultural places and experiences of high spiritual and cultural value. The massive mine will cause irreversible destruction to thousands of acres of public lands and contaminate already scarce water sources. Moreover, over the life of the mine, the Forest Service estimates that the mine will pump billions of gallons of water from the East Salt River Valley, just outside of Phoenix – water that is critically needed to support municipal needs and future growth in this region.

Resolution Copper plans to use a block-cave mining technique, which will result in a 1.8-mile-wide crater (the distance from the Capitol to the Lincoln Memorial) over a thousand feet deep. The mine will consume more than 637,000 acre-feet of water and require over 40 miles of pipeline through large parts of the TNF to slurry out toxic waste and ore concentrate. It will also require the construction of massive utility and road corridors that could span 500 feet in width. This mine will deplete and contaminate precious water resources in the region and result in a toxic waste dump that could cover 15,000 acres and be taller than the Washington Monument.

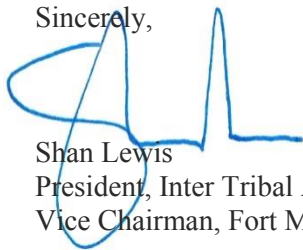
As part of the legislation, the land exchange is subject to NEPA (Sec. 3003 (c)(9)) as well as appraisals of the lands to be exchanged and public review of the appraisals (Sec. 3003(c)(4)). However, TNF failed to comply with NEPA and other applicable federal laws and they failed to complete the required appraisals of the lands to be exchanged. Instead, TNF rushed to publish the Final EIS on January 15, 2021, to artificially start a 60-day clock under Section 3003(c)(10) to give away sacred Oak Flat to Resolution Copper to pave the way for its mine that will destroy Oak Flat, large swaths of TNF, and other surrounding areas with no simultaneous commensurate conveyances of Resolution Copper-owned land to the federal government.

On March 1, 2021, USDA directed the Forest Service to withdraw the Notice of Availability and rescind the FEIS and draft Record of Decision. USDA noted that rescinding the FEIS will ensure the Forest Service complies with “the environmental, cultural, and archaeological analyses required” and concluded that “additional time is necessary to fully understand concerns raised by Tribes and the public and the project’s impacts on these important resources and ensures the agency’s compliance with federal law.” Importantly, USDA noted that because the exchange was directed under the FY15 NDAA that “long-term protection of the site will likely require an act of Congress.”

The Inter Tribal Association of Arizona condemns the destruction of a tribal sacred site, the flagrant disregard for the importance of life-giving water, and the disregard for significant tribal concerns during the NEPA process.

For these reasons, we respectfully request that you enact the Save Oak Flat Act. On behalf of Native Americans nationwide, thank you for considering this important request.

Sincerely,



Shan Lewis
President, Inter Tribal Association of Arizona
Vice Chairman, Fort Mojave Indian Tribe

MIDWEST ALLIANCE OF SOVEREIGN TRIBES

P.O. Box 265
Gresham, WI 54128-0265
715-787-4494 Office
www.m-a-s-t.org

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Sincerely,

President Aaron Payment – MAST 04/16/2021



Rocky Mountain Tribal Leaders Council

2929 3rd Ave N, Ste 300, Billings, Montana 59101
Ph: (406) 252-2550 Fax: (406) 254-6355 Web: www.rmtlc.org

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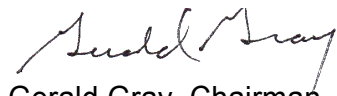
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Sincerely,

A handwritten signature in black ink, appearing to read "Gerald Gray", written in a cursive style.

Gerald Gray, Chairman
Rocky Mountain Tribal Leaders Executive Board