



# GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

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**Re: *Opposition to Section 3003, Southeast Arizona Land Exchange, in Title XXX of S. 1847, National Defense Authorization Act***

Dear Members:

On behalf of the 16 Tribes of the Great Plains Tribal Chairman's Association, I respectfully request that you strike Section 3003, the Southeast Arizona Land Exchange and Conservation Act of 2013 (Land Exchange), from S. 1847, the National Defense Authorization Act (NDAA) of 2015. Tribes, tribal organizations, and many other groups from across the country strongly oppose this provision.

This highly controversial provision has no place in this must-pass defense authorization bill. Section 3003 would transfer a place of worship held sacred by Arizona tribes to a foreign-owned mining company for a copper mine that will forever destroy the tribes' religious practices. The proposal will irrevocably harm the region's water supply and quality. The earmarked foreign beneficiary – Rio Tinto PLC through its subsidiary Resolution Copper – has refused to cut its ties to the Iran Foreign Investment Corporation in a Namibian uranium mine.

Section 3003 would direct the Secretary of Agriculture to convey over 2,400 acres of the Tonto National Forest, including an area known as Oak Flat, in southeastern Arizona 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 lands have significant religious, cultural, historical, and archeological value to tribes in the region. By privatizing the land, Section 3003 enables the foreign corporation to circumvent the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act, the American Indian Religious Freedom Act, and other federal laws designed to protect Native sacred sites, culture, and to fulfill the federal government treaty and trust obligations to all Indian tribes.

Resolution Copper seeks to develop and operate the largest copper mine in North America in the Oak Flat area. Resolution Copper plans to use the highly destructive block cave mining method to remove one cubic mile of ore – the equivalent of 1400 football stadiums – 7,000 feet beneath the surface of the earth **without replacing any of the earth removed** because it is the cheapest form of mining. Resolution Copper itself admits that the surface will subside and ultimately collapse, destroying forever tribal sacred areas.

For these reasons, a large bipartisan group of Members of the House of Representatives twice pulled the Land Exchange from House floor consideration in 2013. The Land Exchange cannot pass Congress on its own merits. Attaching this provision as a rider to NDAA represents the antithesis of democracy.

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.

It is part of the U.S.'s sad history in its mistreatment of tribes that the lands administered by U.S. 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. Despite the U.S.'s historical mistreatment, Native Americans have always served with honor and distinction in high numbers in the U.S. armed forces. However, Section 3003 disregards the military service of Native Americans to this nation by giving away tribal sacred areas to foreign corporations that will destroy it to extract and sell ore currently owned by the American public overseas for huge profits.

Further, Section 3003 threatens the national security of the United States and fleeces the American taxpayer. Rio Tinto would benefit greatly under this bill by receiving large quantities of copper at taxpayer expense that it would then sell to the highest bidder. Rio Tinto has a partnership with the Government of Iran, through the Iran Foreign Investment Company (IFIC), in the Rössing Uranium Mine in Namibia, Africa. The Institute for Science and International Security issued a report on October 24, 2013, stating that the Government of Iran may be in proximate possession of weapons-grade uranium. Given the relationship between Rio Tinto and Iran in joint ownership of a uranium mine and the grave threats to national and global security through the transfer of precious American taxpayer assets to Rio Tinto, Section 3003 should be stripped from S. 1847.

The IFIC is a long-term partner in the Rössing Uranium Mine, since 1975, and has been an active participant at Rössing board meetings. In 2010, it was reported that two representatives of the IFIC sat on Rössing's Board of Directors, including one who is an accomplished chemical engineer. On August 3, 2010, the U.S. Treasury Department placed the IFIC on the Iranian Transactions Regulation list. As you are aware, U.S. companies are prohibited from doing business with entities on this list. Despite being placed on this list, Rio Tinto has continued its partnership with the IFIC in the Rössing Uranium Mine and publicly stated that sanctions do not prevent Iran from maintaining an existing interest in commercial uranium.

Further, in the 112<sup>th</sup> Congress, then Rep. Ed Markey and Rep. Ted Deutch offered an amendment to the Land Exchange on the House floor that would have forced Rio Tinto to sever its ties to Iran in order for its subsidiary Resolution Copper to acquire the Arizona U.S. Forest Service land. However, this amendment was defeated by a vote of 187-237 along party lines. Resolution Copper and Rio Tinto strongly opposed this amendment.

Despite what Section 3003's proponents say, Section 3003 does **not** address tribal concerns. The proponents of Section 3003 claim that the bill was amended to address tribal concerns with protection of tribal sacred areas and environmental concerns. This is not the case. Despite changes to require consultation with affected tribes and NEPA compliance, the provision still **mandates** the transfer of tribal sacred areas into the private ownership of Resolution Copper **regardless** of the results of the consultation or information and recommendations resulting from the NEPA process. A mandatory conveyance defeats the purpose of tribal consultations and the NEPA process that are designed to help provide information **before** decisions are made. In Section 3003, the outcome is pre-determined, rendering tribal views and public comments meaningless. Further, Section 3003 would not require Resolution Copper to mitigate impacts on tribal sacred areas after conveyance and contains no repercussions/penalties on Resolution Copper for harm/destruction to tribal sacred areas.

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We are extremely disappointed by the lack of transparency and lack of opportunity to comment on Section 3003. However, we greatly appreciate the efforts of Rep. Tom Cole, other Members of the House Rules Committee, and Rep. Betty McCollum for their efforts to remove Section 3003 from S. 1847 during that Committee's vote on the rule on the basis that the provision, among other things, subverted the will of the House and was included in S. 1847 without fair process.

For these reasons, we again respectfully request that you remove Section 3003 from S. 1847 prior to passage. On behalf of Native Americans and American taxpayers nationwide, thank you for your consideration of this important request.

If you have any questions, please contact the Executive Director of the Great Plains Tribal Chairman's Association: Ms. A. Gay Kingman at Cell: 605-484-3036 or e-mail; [Kingmanwapato@rushmore.com](mailto:Kingmanwapato@rushmore.com).

Sincerely,



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