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December 16, 2009

The Honorable Jeff Bingaman, Chairman
Energy and Natural Resources Committee Office
304 Dirksen Senate Building
Washington, DC 20510

Dear Senator Bingaman:

We are writing on behalf of the Sierra Club's Grand Canyon (Arizona) Chapter to express our strong opposition to the S.409 and the proposed compromise language. **We ask that you delay any markup or consideration of this bill/amendment.** At a minimum, we would like to see the Senate wait until the administrative National Environmental Policy Act and environmental reviews are complete and thorough consultation with the Native American tribes is complete.

This bill has been extremely controversial in Arizona and beyond and is opposed by many conservation organizations and most Native American tribes. Because of that, we think it is inappropriate to bundle the bill with 35 bills. Instead, if it is to be considered, it should be addressed alone and on its own merits.

Other than allowing access for mineral exploration into Oak Flat campground which is off-limits by Executive Order, there is little or nothing in the bill that isn't the current status quo for administrative land exchanges. Why then, does this compromise merit immediate movement?

We are extremely concerned that should this bill move forward, it will make the exchange a foregone conclusion. This would negate the up-front hard look at reasonable alternatives and impacts that is required by the National Environmental Policy Act. Rio Tinto (aka Resolution Copper Company) will already have a congressionally passed land exchange bill and have had three plus years of exploration and "other activities" – these include drilling under Oak Flat, before the decision. All of this will make it very difficult for the Secretary of Agriculture to do anything other than grant the exchange as presented by Resolution Copper Company.

The proposed amended language:

- Immediately allows Rio Tinto, a U.K based mining company, to do exploration under the Oak Flat Campground withdrawn area, an area that has been protected since the Eisenhower Administration. We see no good reason for withdrawing protections from this unique area. Oak Flat was withdrawn from mining for a reason – to protect a recreation jewel in the middle of a mining district from further impacts of mining forever. This bill would not only undo those protections, but would set a dangerous precedent making all areas withdrawn from mining nationwide vulnerable to mining.
- Retains the convoluted language that may (but probably would not) require Rio Tinto to pay for some of the mineral removed from the ground.
- Removes the mandate for a replacement campground for Oak Flat.
- Leaves tremendous wiggle room for the appraisal process which would likely mean a rip-off of the US taxpayer regarding FAIR payment for the tremendous natural and mineral resources we would lose.

These are just a few of the issues and concerns we have. We outlined detailed concerns in the written testimony we submitted back in June. Please see attached. The issues included are still relevant to the proposed compromise language.

We appreciate your efforts to find a compromise, but ask that you allow these issues to be worked through the administrative process prior to Congress taking action. This will help ensure that the issues are fully vetted and that a real analysis with the full range of reasonable alternatives is considered.

Thank you.

Sincerely,



Sandy Bahr
Chapter Director
Sierra Club – Grand Canyon Chapter



Don Steuter
Conservation Chair
Sierra Club – Grand Canyon Chapter