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June 17, 2009

VIA FACSIMILE (202) 224-6163
THE HONORABLE JEFF BINGAMAN
Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Re: S.409. Southeast Arizona Land Exchange and Conservation Act of 2009

Dear Senator Bingaman:

Audubon Arizona is the state office of the National Audubon Society. Its mission is to further the conservation of birds and their habitats in Arizona through education, science and advocacy programs. Among its many programs, Audubon Arizona manages the Appleton Whittell Research Ranch south of Elgin, Arizona and is about to open the Nina Mason Pulliam Río Salado Audubon Center, a major center for environmental education, particularly for inner city youth, in Phoenix. Audubon Arizona is also responsible, in partnership with Tucson Audubon Society, for the identification of Important Bird Areas in all parts of the state.

In recent years, Arizona Audubon has commented on the Resolution Copper Company ("RCC") land exchange process as it has been described in various pieces of legislation. This letter is intended to reiterate and summarize the position set forth in Audubon Arizona's letter to you dated July 9, 2008.

Our position has been that obtaining the economic and societal benefits sought by the legislation can be accomplished without sacrificing important environmental and conservation values. The decision to enact the legislation and proceed with the land exchange should include a full analysis of its consequences. Audubon Arizona believes that critical components must be added to the current legislation before its enactment. Specifically, we would urge you to include the following mandates in the legislation:

- (1) A NEPA or at least NEPA-quality environmental assessment of the project including a complete alternatives analysis and detailed analysis of the hydrologic, habitat impacts and cultural effects of the project. Completion of this assessment must be a prerequisite to completion of the land exchange.
- (2) A requirement that an integrated protection plan with legally enforceable protections for the lower San Pedro River ecosystem within Pinal County be in place before the land

exchange can be finalized and that the plan integrate the short and long term uses of all of the lands bordering or affecting the river including those upstream owned by RCC's partner, BHP Billiton. The lower San Pedro River has been identified by Audubon as a globally significant Important Bird Area that provides critical habitat for, among other species, the federally endangered southwest willow flycatcher.

(3) An empirical analysis, within the context of NEPA or outside it, that impartially values the economic benefits to RCC of the land exchange and, specifically, the value of the ore in the ground under various price and mining scenarios, the environmental and cultural costs and economic benefits to the community should the mine proceed. This analysis, and the decision-making process, should be informed by a thorough description of the environmental, cultural and economic impacts of the land exchange as well as the mineral exploration, mining and beneficiaries that will likely result from the exchange.

Including the foregoing items in the land exchange legislation will ensure that the outcomes and impact of the exchange and future mining operation are equitable and reasonable for Arizona.

Sincerely yours,


Sam Kathryn Campana, Executive Director

Copies to:

The Honorable John McCain, *via facsimile* 202-228-2862

The Honorable Jon Kyl, *via facsimile* 202-224-2207