



Jicarilla Apache Reservation
February 11, 1887-1987

The Jicarilla Apache Nation

EXECUTIVE OFFICES

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June 22, 2009

The Honorable Jeff Bingaman
703 Hart Senate Office Building
United States Senate
Washington, D.C. 20510

Re: Southeast Arizona Land Exchange and Conservation Act of 2009 (S. 409/H.R. 2509)

Dear Senator Bingaman:

On behalf of the Jicarilla Apache Nation, I am writing to support the concerns of the San Carlos Apache Tribe, the Mescalero Apache Tribe, the Fort McDowell Yavapai Nation, and the Inter-Tribal Council of Arizona (which consists of 20 federally recognized Tribes, Nations, and Communities in Arizona) regarding the Southeast Arizona Land Exchange and Conservation Act of 2009 (S. 409).

In February, Senator Kyl introduced, and Senator McCain cosponsored, the Southeast Arizona Land Exchange and Conservation Act. In March, Congresswoman Kirkpatrick introduced the Act's companion bill in the House, H.R. 2509. The proposed Senate (S. 409) and companion House bill (H.R. 2509), directs the Secretary of Agriculture to convey and dispose of 2406 acres of public lands within the Tonto National Forest, including the federally Protected Oak Flat Campground, for the benefit of Resolution Copper Company. The bill also gives Resolution Copper Company express permission to carry out mineral exploration activities in the Oak Flat area.

The Oak Flat area is one of unique cultural, spiritual and archeological significance for the San Carlos Apache Tribe, as well as other American Indians in this region. However, the block and cave mining that will take place on the conveyed land will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural resources, as well as archeological and historic resources.



In light of these facts, and the fact that the San Carlos Apache Tribe's traditions and culture are tied inextricably to land, and the Oak Flat area in particular, we ask that protections are established under S. 409 to ensure that Resolution Copper Company comply with federal laws, and National Environmental Protection Act requirements if mining activities are commenced.

I urge you, and the people of the Jicarilla Apache Nation urge you, to consider our request to modify the bill language to ensure protection of this sacred area.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Levi Pesata', with a horizontal line extending to the right.

Levi Pesata

President

JICARILLA APACHE NATION