



# Fort McDowell Yavapai Nation

P.O. Box 17779, Fountain Hills, AZ 85269

Phone (480) 789-7000

Fax (480) 837-1630

President Dr. Clinton Pattea

Vice President Bernadine Burnette

Treasurer Pamela Mott

Council Member Paul Russell

Council Member Ruben Balderas

Council Secretary Pansy Thomas

December 9, 2010

President Barack Obama  
The White House  
1600 Pennsylvania Ave., N.W.  
Washington, D.C. 20500  
Attn: Kimberly Teehee

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Fax: 202-225-4188  
Email: Karen.Wayland@mail.house.gov

The Honorable Harry Reid  
Senate Majority Leader  
U.S. Senate  
Fax: 202-224-7327  
Email: Wendy\_Helgemo@indian.senate.gov

The Honorable Steny Hoyer  
Majority Leader  
U.S. House of Representatives  
Fax: 202-225-4300  
Email: Mary.Frances.Repko@mail.house.gov

The Honorable Jeff Bingaman  
Chairman, Senate Energy and Natural  
Resources Committee  
U.S. Senate  
Fax: 202-224-5521  
Email: Jorge\_Silva-Banuelos@bingaman.senate.gov

The Honorable Nick Rahall  
Chairman, House Committee on  
Natural Resources  
U.S. House of Representatives  
Fax: 202-225-1931  
Email: Jim.Zoia@mail.house.gov

**Re: URGENT ATTENTION REQUIRED! Please Opposition to the Inclusion of the S.409 - Southeast Arizona Land Exchange & Conservation Act and H.R. 4880 – Copper Basin Jobs Act in the Omnibus Public Land Management Act of 2010**


Dear President Obama, Leader Reid, Speaker Pelosi, Majority Leader Hoyer, Chairman Bingaman and Chairman Rahall:

As President of Fort McDowell Yavapai Nation, I am writing to express my Tribe's strong objections to the inclusion of the S. 409 - Southeast Arizona Land Exchange and Conservation Act and H.R. 4880 – Copper Basin Jobs Act within the Omnibus Public Land Management Act of 2010. As proposed, this legislation would allow Resolution Copper Company (RCC), owned and operated by foreign mining giants Rio Tinto PLC and BHP Billiton Ltd, to acquire over 3,000 acres of public lands within the Tonto National Forest in Arizona and develop/operate an unprecedented deep underground copper mining project - including mining within the 760 acre Oak Flat Withdrawal Area. Supporters of this legislation claim this bill must pass as jobs are on the line. Yet, what they do not admit is that the on-going pre-feasibility and further required exploratory phase will take many years and **will not employ** these out-of-work miners in the foreseeable future! Furthermore, the **technology** to mine at 3000 ft. below sea level **does not exist**. Thus, miners in need of jobs will not be employed by this mine for at least 15 years (according to RCC). That is, if mining can be accomplished at this depth and if RCC determines it is

feasible to do so. Thus, individuals within the State of Arizona (or for that matter throughout the US) are not facing any job losses if this bill is not included within the omnibus. This exchange and 'potential' mine must be given the time and consideration needed to address our collective grave environmental and cultural concerns that have been well articulated over the last several years but, unfortunately and intentionally, have gone unanswered.

The passage of S. 409 and H.R. 4880 would be viewed not only as highly offensive and damaging to the Yavapai but taken as another broken promise. To the people of Fort McDowell, as well as other Native Americans, this area holds great significance as it was once part of the Yavapai's Tribal homeland. Moreover, it still remains a significant spiritual, culturally important, and religious place of worship. The Oak Flat area is also unique both archeologically and environmentally adding to its importance to the Yavapai and many other Native Americans. Additionally, but intentionally overlooked, this land qualifies as a Traditional Cultural Property under Sect. 106 of the National Historic Preservation Act. The unprecedented waterfalls (that will be lost forever if mining occurs), native plants and animals, endangered species, etc. is also important to many recreationists and other citizens who place a high value on this landscape. The block and cave mining that will take place on the conveyed land will cause serious and highly damaging environmental consequence to the water, wildlife, plants and other natural resources, as well as archeological and cultural resources. Mining will cause collapse of the sacred area (which RCC admits), extreme water pollution within the area as well as downstream, and de-watering of sacred sites are all 'known' but non-quantified consequences. These facts are known to all who support this bill, but they choose to ignore and not adequately address them within any legislation. Given the virtually unprecedented scope of RCC project, we believe it is imperative that equally unprecedented steps be taken to study, investigate, satisfactorily report, and fully understand the direct, indirect, and cumulative impacts of the project *before* Congress takes any action on S. 409. It is also unprecedented in U.S. history to undertake the magnitude of such a mining project on federal lands and proceed without required scientific investigations. I cannot explain in mere words what the destruction of this area will mean to my people. We have specifically asked Congress for Government-to Government consultations at the *appropriate levels*, yet our requests have been ignored. This indeed is a Federal Trust responsibility and the Fort McDowell Yavapai respectfully request to meet with you on this matter as soon as possible. Please contact Dr. Carole Klopatek, our Government Relations Director; at (480) 789-7161 (office), [cklopatek@ftmcdowell.org](mailto:cklopatek@ftmcdowell.org) (email), or (480) 452-4695 (cell phone-best number to use) to arrange such consultations.

Sincerely,

  
Dr. Clinton M. Pattea

cc: The Hon. Ben Ray Lujan  
The Hon. Martin Heinrich  
The Hon. Harry Teague  
The Hon. Barbara Boxer  
Fort McDowell Yavapai Nation Tribal Council  
Dr. Carole Klopatek, Government Relation Director, FMYN