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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

*Dissenting Views*

*H.R. 1904: Southeast Arizona Land Exchange and Conservation Act (Resolution Copper)*

TODD YOUNG  
CHIEF OF STAFF

H.R. 1904 will rob Native People of their heritage, local people of their water and the American people of valuable natural resources, all to benefit two large, foreign-owned mining corporations. This legislation is an abdication of our responsibilities as stewards of the public lands and the public trust and it should be rejected by the House.

Resolution Copper Mining, LLC (Resolution Copper) is a subsidiary of Rio Tinto and BHP-Billiton. Resolution Copper owns land and holds mining claims on the Tonto National Forest in Southeastern Arizona. The company believes the area is home to a significant copper deposit and is seeking to develop a lucrative copper mining operation. However, approximately 760 acres of national forest land in the area was withdrawn from mining by President Eisenhower in 1955. Resolution Copper is seeking H.R. 1904 to require the federal government to exchange the withdrawn forest land for land owned by the Company so that the mining operation can proceed.

Evaluating the merits of land exchanges is difficult under the best of circumstances; H.R. 1904 would require this land exchange to proceed under the worst of circumstances. By waiving timely Tribal consultation, standard appraisal requirements and meaningful compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), H.R. 1904 would require that the exchange go forward without mitigation or even analysis of its potentially devastating impacts.

Testimony received by the Committee indicates that the mining operation planned by Resolution Copper would require 40,000 acre-feet of water per year; roughly the amount used by the city of Tempe (population 160,000). The company has been less than transparent regarding where they would find this massive quantity of water in Southeastern Arizona. Past practice for mining companies has been to simply sink deeper wells and take the water they need, leaving their neighbors literally high and dry. Mr. Grijalva offered an amendment to require the U.S. Geological Survey to assess the potential water impacts before consummation of the exchange, but Republicans rejected this common-sense proposal.

Securing a fair return to taxpayers on this exchange is difficult given that the most valuable aspect of the exchange by far is the copper, the value of which is speculative but estimated to be worth billions of dollars. Rather than clarifying the valuation issue, H.R. 1904 further muddies the waters by requiring highly unusual appraisal procedures which fail to guarantee that

Resolution Copper will pay a fair price for the copper it stands to receive from the American people.

A simple amendment offered by Mr. DeFazio, which would have obviated the need for this questionable appraisal approach by requiring a straight-forward royalty payment, was rejected by the Majority. Even Mr. Grijalva's amendment to require Resolution Copper to provide appraisers with basic information regarding the size or location of the ore body, was too much transparency for the Majority.

The principle justification for this land exchange is the creation of jobs in Southeastern Arizona. These claims are highly suspect, however, given that Rio Tinto and BHP-Billiton are pioneers in the automation and remote control of mining operations. The majority voted against Mr. Grijalva's amendment to require that H.R. 1904 actually produce local jobs.

Finally, H.R. 1904 trades away several sites that are sacred to Native People. The hearing record includes desperate pleas from the San Carlos Apache Tribe, White Mountain Apache Tribe, Yavapai-Apache Nation, Tonto Apache Tribe, Fort McDowell Yavapai Nation, Hualapai Tribe, Jicarilla Apache Nation, Mescalero Apache Tribe, the Pueblo of Zuni and other Native Nations to respect their religious and cultural traditions.

Instead, the bill waives compliance with NEPA, the Native American Graves Protection Act, and all other statutes that might give Tribes a voice. The final insult comes when the bill requires consultation with Native People – *after* the land exchange has occurred. Mr. Grijalva sought to remedy this failure with an amendment requiring meaningful Tribal consultation; the amendment was rejected by Republicans.

In one fell swoop, H.R. 1904 would gather up hundreds of acres of sacred land, thousands of acre-feet of precious water, and millions of tons of valuable copper, and hand it all over to Resolution Copper, and its owners, Rio Tinto and BHP-Billiton. Such a move would be a disservice to local residents, Tribes and taxpayers. The House should reject this irresponsible and unwise proposal.

Edward J. Markey

EDWARD J. MARKEY  
Ranking Member  
Committee on Natural Resources

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