



SOCIETY FOR AMERICAN ARCHAEOLOGY

Testimony of the Society for American Archaeology

Before the House Natural Resources Committee
Subcommittee on National Parks

Regarding

H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011

June 14, 2011

The Society for American Archaeology (SAA) thanks the subcommittee for holding this hearing on H.R. 1904, the Southeast Arizona Land Exchange Act. We appreciate the opportunity to provide comments on this important bill.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

H.R. 1904 would direct the Secretary of Agriculture to accept certain parcels of nonfederal land in the Arizona counties of Yavapai, Pinal, Gila, Maricopa, and Coconino, from Resolution Copper (RC), in exchange for more than 2,400 acres of federal land in Pinal County. Included in this exchange will be Apache Leap and the Oak Flat Campground, the latter in which mining activity is prohibited. In 2009, during the 111th Congress, SAA testified in opposition to an earlier version of H.R. 1904 on the grounds that the proposed exchange did too little to protect the cultural resources contained within and upon the federal lands to be disposed of, especially considering how important these places are to several Native American tribes. We can see little, if any, improvement in this regard with H.R. 1904, and thus oppose the measure in its current form.

It is our understanding that under the new bill, RC would be able to conduct subsurface mineral exploration and potential extraction activities beneath the surface of the Oak Flat Campground. Further, RC could seek special use permits to conduct “underground activities” at Apache Leap itself. Protecting the surface of these sensitive areas, while useful, does nothing to ensure the preservation of sites that lie well below the top layers of ground. H.R. 1904 would also effectively turn the Department of Agriculture’s environmental review under the National Environmental Policy Act into a time-limited rubber-stamp of RC’s proposed plan of mining operations. The review would take place only after RC had conducted exploratory and pilot

mining activities, presenting the federal government with an additional disincentive to delay extraction.

The cultural and historic significance of Apache Leap and Oak Flat to the San Carlos Apache, the Zuni, and other tribes, cannot be overstated. These lands play vital cultural and religious roles in the lives of their peoples. There are few areas of greater significance, archaeologically-speaking, in the entire Southwest. The numerous known and as-yet unknown sites and resources, located both above and below the surface of the earth, currently enjoy protection under numerous federal statutes, including the National Historic Preservation Act, the Archaeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act, among others. By transferring these lands out of federal ownership, H.R. 1904 would remove this protection and replace it with a wholly-inadequate substitute that places virtually no priority on the preservation of cultural and heritage resources. While the lands to be gained by the government under the exchange detailed in H.R. 1904 contain substantial natural and culturally-significant assets, this in no way justifies the degradation of Oak Flat.

SAA understands that the difficult economic conditions that faced the residents of south-east Arizona and the nation in 2009 persist today. As stated in its testimony at that time, SAA does not oppose any and all economic development on federal land out of hand. It needs to be reiterated, however, that cultural and historic resources are non-renewable, and that federal law has, since 1906, recognized the need for measures to prevent or mitigate damage to such resources when other activities are going on. Economic development and cultural resources protection does not have to be a zero-sum game. H.R. 1904 rejects the balancing of priorities that is envisioned in current law and regulation in favor of a carve-out that will force the government to abjure many of its responsibilities. As such, SAA opposes the bill as written, and urges the subcommittee and all stakeholders to work together on finding another approach.

Thank you very much for your consideration of this important matter.