



December 9, 2014

The Honorable Harry Reid
Senate Majority Leader
522 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
317 Russell Senate Office Building
Washington, DC 20510

Dear Senators Reid and McConnell,

The Society for American Archaeology (SAA) would like to express its opposition to Sec. 3003 of H.R. 3979, the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, and urges its removal from the bill prior to Senate passage.

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.

The provision in question, titled *Southeast Arizona Land Exchange and Conservation*, would direct the U.S. Forest Service to accept more than 1100 acres, and the Bureau of Land Management to accept more than 4000 acres, of non-federal land in the Arizona counties of Yavapai, Pinal, Gila, Maricopa, Coconino, and Santa Cruz, from Resolution Copper (RC). In exchange, RC would receive more than 2,400 acres of federal land in Pinal County for the purpose of copper ore extraction.

Over the past several years, SAA and numerous other organizations testified in opposition to earlier versions of this legislation on the grounds that the proposed exchange did little to protect the cultural and natural resources contained within and upon the federal lands to be disposed of. This was especially the case considering how important these places are to several Native American tribes.

The version contained in H.R. 3979 makes some changes from previous forms of the measure. It requires the completion of an environmental impact statement (EIS) under the

National Environmental Policy Act (NEPA) prior to conveyance of federal land, instead of following the exchange of properties, as under earlier drafts. Further, this latest iteration would make consideration of the impact on cultural resources a priority under the EIS. Nevertheless, these alterations are mostly marginal in nature, since the wording requires the Secretary of Agriculture to convey the land to RC no later than 60 days after the publication of the final EIS, regardless of the findings of that review process. Thus, as outlined in this provision, this land transfer must take place, regardless of the findings of the review, or of its impacts on cultural resources.

In sum, though the language of Sec. 3003 differs from previous bills on the subject that Congress has considered before, the result would be the same—a short-circuiting of the environmental review process under NEPA. Many will consider this legislation a rubber-stamp of RC's plan for mining operations, particularly in light of the fact that most of the other public lands provisions contained in H.R. 3979 are non-controversial, while stand-alone versions of legislation to perform the RC land exchange have languished in committee in the Senate, and failed to secure majority votes for passage in the House.

We also hasten to point out that similar legislated land exchanges in Arizona, most notably the Wellton-Mohawk land transfer, were met with dismay, leading to years of mistrust and hard feeling which time has yet to heal. While these legislative exchanges meet the objectives of large corporations, many of which are not based in Arizona nor even in the United States, they are hurtful to Native Americans, archaeologists, and large sectors of the public. NEPA was designed to ensure a fair process; we believe Congress should allow that process to take place without prejudging the results, especially in view of Congress's special trust obligation with Native American governments to protect their cultures and cultural landscapes.

Though we understand that time is short before Congress adjourns, SAA believes that—given the above—the best course of action would be for the Senate to strike Sec. 3003 from the overall bill. Thank you very much for your consideration of this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey H. Altschul". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jeffrey H. Altschul, Ph.D., RPA
President