

Wendsler Nosie, Sr., Founder, Apache Stronghold; and Former Chairman of the San Carlos Apache Tribe
Written Testimony before the House Committee on Natural Resources Subcommittee for Indigenous Peoples of the United States
Oversight Hearing on the Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation

March 12th, 2020

Good afternoon, Chairman Gallego, Ranking Member Cook and distinguished Members of the Subcommittee. It is an honor to have the opportunity to testify before you today on behalf of the Apache Stronghold and as a Member of the San Carlos Apache Tribe.

My name is Wendsler Nosie, Sr., and I am here today to speak about the irreversible destruction that the Resolution Copper Mine would have on the Oak Flat area – an area sacred to many tribes in the region including my own, the San Carlos Apache Tribe – and an area of natural beauty and wonder to the region in general. I am also proud to be sharing a panel with my Granddaughter sitting next to me, Ms. Naelyn Pike. We have come a long way together through this struggle to protect our ancestral homelands, and I am thankful for her never-ending support and courage, especially during the most difficult times. Her powerful voice and determination to help protect the things we hold dear are a constant reminder that we must do so for future generations as Apache people.

For over a decade our Tribe fought to stop the Southeast Arizona Land Exchange (“Land Exchange”), a proposal to transfer approximately 2,422 acres of our ancestral homelands in the Tonto National Forest (“TNF”) to foreign mining conglomerates, Rio Tinto and BHP Billiton, to dig a questionable and vast copper mine beneath lands we hold as sacred. Thanks to the vocal opposition of more than 300 Native Nations and tribal organizations the House of Representatives pulled the Land Exchange from floor consideration twice during the 113th Congress due to lack of support. Despite this nationwide opposition, the Land Exchange was buried on page 1,103 of a 1,700-page National Defense Authorization bill that was unveiled just minutes prior to midnight the evening before votes. This despicable action is the antithesis of democracy and has threatened to forever destroy our way of worship and life. If the Land Exchange is permitted to move forward through finalization of a flawed Draft Environmental

Impact Statement (“DEIS”) process, the mining corporation and TNF, both acknowledge that the mine will cause a vast subsidence in the earth, destroying our Sacred Oak Flat, our religion, and with it, our traditional way of life. The mine will also permanently damage the region’s already severely depleted water supply and the wake of this destruction will cause a multi-billion dollar superfund site that will haunt generations yet to come. Meanwhile, the mercenaries and perpetrators of this irreversible damage, who have no direct or ancestral ties to the area, will simply up and leave after they have extracted the minerals of value they seek to profit from while leaving us to deal with their created catastrophe.

We said for years, Resolution Copper’s mining operations will have devastating impacts on our history, our culture, our religious practices, and the natural resources and environment of this area, especially the region’s water supply. For years, proponents of Resolution Copper ignored these harsh realities and insisted that the benefits of jobs, which were greatly exaggerated and fluctuated frequently, were worth the toll to the environment and life of the surrounding communities. Yet the DEIS confirmed in large part the permanent damage and losses we already knew would occur to the broader physical environment, and our places of religious worship and cultural reverence should the project be allowed to proceed. The Tribal Values and Concerns (DEIS, 3.14) section is incomplete and demonstrates a failure of the U.S. Forest Service to conduct adequate consultation with affected Tribes. The proposed mine would directly, adversely, and permanently affect numerous cultural artifacts, sacred seeps and springs, traditional ceremonial areas, resource gathering localities, burial locations, and other places of high spiritual value to tribal members. We find the lack of reference in the DEIS to the archeological and cultural records held by the San Carlos Apache Tribe and other Indigenous peoples with ties to the area is inadequate and incomplete.

The analysis of the Tribal Values and Concerns focuses the impacts of the proposed Land Exchange and Resolution Copper Mine on the past without recognizing the current presence of religious and cultural practices that have endured at Oak Flat for centuries. This erasure of Native Americans in contemporary terms perpetuates the genocidal history of America. What was once gunpowder and disease is now replaced with bureaucratic negligence and a mythologized past that treats we as Native people as something invisible or gone. We are not. We are still a vibrant and vital part of our Nation’s fabric despite repeated attempts to relegate

our cultures as artifacts in museums or blubs in history books. However, the permanent damage that will be caused by the Resolution Copper Mine is something that will contribute to this genocidal narrative continuing now and well into the future. It is disappointing that the cumulative effects analyzed in the Oak Flat DEIS do not look at the present or future of impacted Native peoples.

Chi'Chil Bildagoteel (also known as Oak Flat) is a Holy and Sacred site for our Apache people and many other Native Americans. It is a place where we pray, collect water and medicinal plants for ceremonies, gather acorns and other foods, and honor those that are buried here. It is important to understand that we have never lost our relationship to *Chi'Chil Bildagoteel*. Despite the violent history of the U.S. Government's exile, forced march and imprisonment of Native people on reservations, and the efforts by the U.S. Government to discourage, impede, or fully disallow us from coming to this holy area, we have our own legacy of persistence and never letting go of this place. *Chi'Chil Bildagoteel's* religious value to our prayers, our ceremonies, and in our family histories cannot be overstated. Native religion was the first religion practiced in this area. And for over five years now, we have established an encampment to protect the Holy Ground at *Chi'Chil Bildagoteel* with its four crosses, which represent the entire surrounding Holy and Sacred area, including its water, animals, oak trees, and other plants central to our tribal identity. It is important to note that *Chi'Chil Bildagoteel* is listed on the National Park Service's National Register of Historical Places ("NRHP") as a Historic District and Traditional Cultural Property ("TCP"). Emory oak groves at Oak Flat used by tribal members for acorn collecting are among the many living resources that will be lost along with more than a dozen other traditional plant medicine and food sources. Other unspecified mineral and plant collecting locations and culturally important landscapes will also be affected. Development of the Resolution Copper Mine would directly and permanently damage *Chi'Chil Bildagoteel*, the designated TCP that is vital to us, which is why we strongly oppose this operation.

The impacts that will occur to Oak Flat will undeniably prohibit the Apache people from practicing our ceremonies at our Holy site. Construction of the mine would temporarily cut off access and once the mine has been completed, the ongoing safety concerns of subsidence will create a permanent barrier preventing Apache ceremonies from taking place. Our connections to

the Oak Flat area are central to who we are as Apache people. Numerous people speak of buried family members. Most of them include childhood memories. Everyone speaks to the deep spiritual and religious connection that Apaches have to the land, water, plants and animals that would be permanently destroyed by this proposed action. The destruction to our lands and our sacred sites has occurred consistently over the past century in direct violation of treaty promises and the trust obligation owed to Indian tribes. Tribes ceded or had taken hundreds of millions of acres of our homelands to help build this Nation. In return, the United States incurred obligations to protect our lands from harm, and to respect our religion and way of life. Despite these obligations, the U.S. Government has consistently failed to uphold these promises or too often fails to act to protect our rights associated with such places like *Chi'Chil Bildagoteel*.

Please keep in mind that the Land Exchange was achieved through a backroom agreement, literally at midnight the evening before attaching it to the FY15 National Defense bill. We would not be in this position today had the Land Exchange gone through regular order and been subject to meaningful debate.

In closing, we stand with the Tribes, environmental protection groups, religious freedom advocates, Congressional leaders, and many other allies in asking Congress to ensure that the Tonto National Forest does not move forward with the flawed DEIS, which would transfer federal land to private hands for foreign mining interests. We also encourage support of H.R. 665 and S. 173, the Save Oak Flat Act, which would repeal Section 3003 from the 2015 National Defense Reauthorization Act and protect Oak Flat and areas in the Tonto National Forest from being irreversibly scarred and destroyed. Lastly, we are approaching a time in the calendar when many Christians are preparing for Easter celebrations. Families will gather at churches to celebrate their religious beliefs, give thanks, and pray for those in need. I want to remind you that when our families gather at Oak Flat to celebrate our religious beliefs, we are no different than our Christian brothers and sisters who will gather at their respective churches this coming Easter Sunday. The only difference is our permanent place of prayer and worship is under attack and could be destroyed if the DEIS is approved and the Land Exchange occurs. We ask you to carefully consider and keep this in mind as this process continues.