

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

April 4, 2023

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC

Dear Chairman Westerman,

I am writing to request that you schedule a Natural Resources Committee markup on [H.R. 1351](#), the Save Oak Flat From Foreign Mining Act. My legislation would protect Oak Flat – or Chí'chil Bįłdagoteel, a sacred site for the San Carlos Apache Tribe and other tribal communities in Arizona, located within the Tonto National Forest – from foreign mining companies Rio Tinto and BPH.

You have clearly stated your support for domestic energy and mineral production and disapproval of dependence on foreign mining. Considering H.R. 1351 before this Committee would allow us to confirm that Americans alone should determine how we develop our resources, rather than the Chinese Communist Party, aligning with your statements during Committee meetings and H.R. 1 debate on the House Floor.

“The way we push back against China and the CCP [Chinese Communist Party] is we produce our energy and minerals here. And we for sure don’t let China come to America and own any kind of lease on federal lands—or private lands. We produce it ourselves; we send it to our allies.” – Chairman Bruce Westerman (R-AR), House Natural Resources Committee, on voting YES to Ogles Amendment No. 31 to H.R. 1.

In 2015, section 3003 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (NDAA) authorized a land exchange for 2,422 acres of Forest Service land to foreign mining companies, Rio Tinto and BPH, for the development of the Resolution Copper mine in Arizona.

Rio Tinto’s largest shareholder is Chinalco, a state-owned holding company for the People’s Republic of China.¹ In addition, it is more than likely that copper from Oak Flat will be traded on the global market, to the benefit of the Chinese Communist Party. Rio Tinto will extract copper from U.S. soil through destructive means and ship it overseas to be processed and sold – with no return for the American people. We cannot take Resolution Copper and Rio Tinto’s promises to the citizens of Arizona and the country at their word. This proposed mine would not only desecrate and destroy Oak Flat’s tribal cultural

¹ Market Screener, *Rio Tinto* (Apr. 2023) (online at <https://www.marketscreener.com/quote/stock/RIO-TINTO-5254/company/>).

and religious heritage sites but also drain the already scarce water resources in the region and put water quality at risk from the failure of Rio Tinto's proposed tailings dam.

Rio Tinto and BPH have grievous track records of bad faith and destructive mining practices. In 2020, Rio Tinto was condemned for their mining practices that blew up a 46,000-year-old sacred site in western Australia.² In addition to their lack of regard for sacred sites, Rio Tinto saw the failure of four tailings dams at their QMM mine in Madagascar between 2010 and 2022, leaving the community with water contamination and fishing bans due to water quality impacts.³ In 2015, a BPH mine was responsible for the collapse of a tailings dam in Brazil. Five million cubic meters of iron ore waste and mud rushed downstream, tragically leaving 19 dead and causing significant environmental destruction.⁴

Why should we let foreign mining companies with a history of operational failures and environmental destruction establish the Resolution Copper mine in Arizona?

My legislation, H.R. 1351, would repeal the land transfer that would allow foreign mining companies Rio Tinto and BPH to establish the Resolution Copper mine within the Tonto National Forest's Chi'chil Biłdagoteel Historic District, also known as Oak Flat. My legislation would protect this sacred site from foreign-owned Chinese Communist Party-backed mining operations and the citizens of Arizona from the planned bad-faith mining practices.

You have emphasized your support for efforts that prevent the Chinese government from extracting American resources on both federal and private lands. It only makes sense for the Committee to support my Save Oak Flat From Foreign Mining Act, which will prohibit this Chinese Communist Party-backed copper mine from seeing the light of day.

I hope to see the Committee include H.R. 1351 in the next markup, and I thank you for your attention and consideration of this important legislation.

Sincerely,



Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

² The Guardian, *Rio Tinto blasts 46,000-year-old Aboriginal site to expand iron ore mine* (May 2020) (online at <https://www.theguardian.com/australia-news/2020/may/26/rio-tinto-blasts-46000-year-old-aboriginal-site-to-expand-iron-ore-mine>).

³ Earthworks, *Mining Industry Still Falls Short on Tailings Safety* (Jan. 2023) (online at <https://earthworks.org/blog/mining-industry-still-falls-short-on-tailings-safety/#:~:text=There%20have%20been%20four%20reported,but%20was%20denied%20by%20QMM>).

⁴ USDA, *Resolution Copper Project and Land Exchange Environmental Impact Statement - Samarco, BHP and Vale Agree to Pay \$5B in Damages for Brazil Mining Disaster* (Mar. 2016) (online at <https://www.resolutionmineeis.us/documents/boadle-eisenhammer-2016>).