



SAN XAVIER DISTRICT
OF THE
TOHONO O' ODHAM NATION
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January 26, 2024

President Joseph Biden
The White House
Washington, D.C.

Senator Mark Kelly
United States Senate

Krysten Sinema
United States Senate

Congressman Raul Grijalva
House of Representatives

Congressman Paul Gosar
House of Representatives

RE: San Xavier District of the Tohono O'odham Nation's Opposition to the Mining Regulatory Clarity Act

Dear President Biden, and Honorable Senators, and Representatives:

The San Xavier District government of the Tohono O'odham Nation firmly opposes the Mining Regulatory Clarity Act, which represents an unprecedented giveaway of public lands to mining corporations. Under the bill, mining corporations would gain a near unlimited right to occupy as much public land as they wanted for their mining operations. Mining companies would gain the right to dump waste, dispose of toxic tailings, bulldoze roads, and construct pipelines across public lands, even on lands of deep cultural and ecological significance to the San Xavier District of the Tohono O'odham Nation. We urge you to oppose the legislation, which would exacerbate the harm caused by the mining industry.

We are especially concerned with this legislation because four key minerals that will be used for the energy transition – 97% of nickel, 89% of copper, 79% of lithium, and 68% of cobalt – are located within 35 miles of Native American Reservations. In addition, many existing and proposed mines are located on federal lands adjacent to tribal lands.



Our people and our lands have been affected by Asarco Copper Mine adjacent and south of the San Xavier Indian Reservation since 1955. There is potential leakage of sulfates from the mine tailings to our aquifer. We are supporting local environmental groups opposing two proposed mines on our ancestral lands affecting our cultural properties and prohibiting us from gathering natural resources on the lands. Hudbay, a Canadian based company, has proposed mining on the east and west slopes of the Santa Rita Mountain range “Cewe Duag” (long mountain in our language). They are Rosemont, and Copper World mines respectively.

The proposed legislation contains a series of provisions designed to undermine the Federal Government’s authority to safeguard public lands. Under Section 2(e)(1)(B) of the Mining Regulatory Clarity Act, mining companies would receive a statutory right to permanently occupy and bury public lands under tons of toxic waste. Further Section 2(e)(1)(A) grants mining companies automatic rights-of-way for new pipelines, transmission lines, and roads across public lands – eliminating a central provision of the Federal Land Policy Management Act that requires mining companies to receive a permit for such uses just like every other industry operating on federal lands. The mining law of 1872 is already overly permissive- having caused disastrous consequences for our Indigenous communities, our health and our sacred sites, and this legislation would only increase those harms in the future.

The Mining Regulatory Clarity Act is poised to have devastating consequences on our ancestral lands and resources. The creation of tribal sacrifice zones in the name of the clean energy transition must stop. Indigenous communities use what are now federal public lands for resource collection, ceremonies, and other traditional cultural uses. This Administration has vowed to safeguard our cultural resources and to listen to tribes. The Mining Regulatory Clarity Act will impair our ability to use our ancestral lands forever and we ask that you reject it.

Sincerely,

Austin Nunez, Chairman
San Xavier District Council
Tohono O’odham Nation

C: Verlon Jose, Chairman, Tohono O’odham Nation
Wavalene Saunders, Chairperson, Tohono O’odham Legislative Council
San Xavier District Council
Laurie Suter, TON Mine Director