

## Chair Leger Fernández Opening Statement

Good afternoon. I want to welcome our witnesses to our virtual hearing today. This legislative hearing will be on H.R. 1884 – the Save Oak Flat Act, a bill that will prohibit the Oak Flat Federal Parcel transfer to foreign mining corporations.

The 2,422-acre parcel includes the *Chi'chil Bildagoteel* (**Chi-chill-bil-dah-go-tell**) Historic District, known as Oak Flat, located in the Tonto National Forest.

This area is considered sacred by many tribal nations, including the San Carlos Apache Tribe, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, the Yavapai-Prescott Indian Tribe, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, the Hopi Tribe, and the Pueblo of Zuni.

Many of whom continue to conduct ceremonies and gather traditional medicines and food.

The National Park Service has recognized this land’s sacred status by listing Oak Flat on the National Register of Historic Places in 2016.

You may be wondering why land listed on the National Register of Historic places is ripe for mining. In 2014, a rider on the National Defense Authorization Act authorized a land exchange giving Oak Flat to a multinational mining conglomerate called Resolution Copper, owned by Rio Tinto and BHP.

The NDAA language required the Forest Service to produce an Environmental Impact Statement – or “EIS” – to evaluate the mining plan’s effects before the exchange occurred.

The NDAA language also stipulated the land should be removed from the Forest Service’s jurisdiction and placed into the hands of Resolution Copper within 60 days after completing the EIS, *regardless of the findings*.

A little over a year ago, in the 116<sup>th</sup> Congress, this Subcommittee held an oversight hearing examining the draft EIS, published by the Trump Administration. The draft EIS identified the tribal, soil, water, wildlife, recreation, public health, and livestock impacts mining would have on this area.

Ancestral burial grounds for the Native communities in the region will also inevitably be disturbed and destroyed. The crater is projected to start to appear in year 6 of active mining and will ultimately be between 800 and 1,115 feet deep and roughly 1.8 miles across. The Emory oak

groves, which have been visited and utilized by tribal members for millennia, will be adversely affected and one or more of these groves will likely be lost altogether.

Wellfield pumping will incrementally contribute to the lowering of groundwater levels and cumulatively reduce overall groundwater availability in the local area.

Although the draft EIS process to the final Environmental Impact Statement or “FEIS” usually takes time - on January 15<sup>th</sup>, the previous Administration released a final environmental impact statement (FEIS). The FEIS was released without proper consultation with tribes and did not address the myriad of concerns identified in the draft EIS.

In March 2021, the Biden Administration withdrew the FEIS to further consult with tribes and thoroughly

conduct an environmental impact statement that fully complies with the law.

Since 2015, Chair Grijalva has introduced the Save Oak Flat Act to protect the *Chi'chil Bildagoteel* (**Chi-chill-bil-dah-go-tell**) Historic District detrimental mining. This bill will repeal section 3003 of the NDAA and protect this sacred site for future generations.

Thank you again for being here virtually. I look forward to hearing our witness testimony today. I would now like to recognize the Ranking Member for any opening remarks.