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Subcommittee on Healthy Families and Communities
Subcommittee on Early Childhood, Elementary
and Secondary Education

COMMITTEE ON SMALL BUSINESS
Subcommittee on Finance and Tax
Subcommittee on Investigations and Oversight

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May 16, 2008

Dirk Kempthorne, Secretary
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Mark Rey, Undersecretary
Natural Resources and Environment
Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Secretary Kempthorne and Undersecretary, Rey,

The subcommittee on national parks, forests and public lands has held two separate hearings in the 110th congress on mining proposals that have significant impacts on Native American people, their lands and cultural and religious resources.

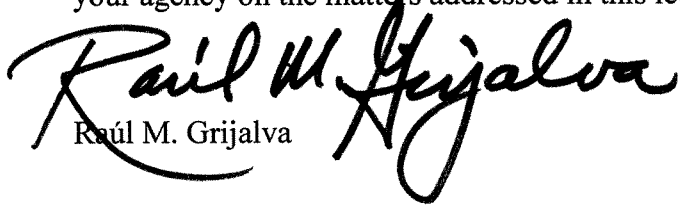
A reoccurring theme that continues to resonate with tribal leadership among all impacted tribes and nations is the lack of government to government consultation by senior Forest Service Administration officials with the various nations' elected tribal leadership.

The federal government has a fiduciary obligation to consult on behalf of and address concerns raised by Indian tribes' elected leadership on any regulatory or legislative proposals that directly impacts Indian tribes prior to approval or public support by the administration's oversight and regulatory agencies. Executive order 13175 signed by President Clinton on November 6, 2000.

It is very disturbing that consultation at these levels has not occurred for either; the Resolution Copper mining corporations' Southeast Arizona Land Exchange legislation, nor for the regulatory reviews and permit process for exploratory drilling and potential uranium mining proposed within or impacting our national forests lands in northern Arizona or New Mexico. I do not feel that the concerns of Indian tribes should be lightly dismissed nor relegated to lower staff to staff discussions.

I have been on record at both hearings attesting to the need for these consultations to take place in earnest at the highest levels before any further action takes place on the Southeast Arizona Land Exchange legislation of which the administration generally supports and for any further regulatory or permitting decisions for any proposed uranium mining activities within or impacting our national forests and Indian tribes' cultural, religious resources and lands.

I await your response to these concerns and affirmation of the need and commitment by your agency to begin earnest consultations at the highest levels between elected tribal leadership and your agency on the matters addressed in this letter.


Raúl M. Grijalva

Chairman of National Parks, Forests and Public Lands Subcommittee