

**PREPARED STATEMENT
OF
MIKE JACKSON SR.,
PRESIDENT, QUECHAN INDIAN NATION
OF
FORT YUMA, CALIFORNIA AND ARIZONA**

**COMMITTEE ON RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES**

**LEGISLATIVE HEARING ON H.R. 5155
NATIVE AMERICAN SACRED LANDS ACT**

LONGWORTH HOUSE OFFICE BUILDING

SEPTEMBER 25, 2002 – 10:00 A.M.

Chairman J.D. Hayworth, members of the Committee, my name is Mike Jackson Sr., and I am the President of the Quechan Indian Nation of Ft. Yuma California and Arizona. It is my honor and my privilege to testify today on behalf of our Tribal Nation and especially our people. I will speak from the heart.

Our remote but strong Tribe has been pulled into local, state and national discussions about the destruction of Indian sacred places and the destruction of our identity as Indian people, because of a project proposed on the Tribe's off reservation, aboriginal lands. Our people are united against this mine and will fight forever to see that our sacred area is left the way the Creator made it.

The proposed Glamis Imperial Project is a massive, open pit, cyanide heap leach gold mine. It would have three pits, with the deepest pit at 85 stories deep, never being backfilled. It would leave waste rock piles 30 stories high within our sacred area. It would require 422 tons of waste rock to get at one ounce of gold.

The Glamis mine would destroy 5 recorded sites eligible for listing on the National Register of Historic Places, including the Trail of Dreams. The National Trust for Historic Preservation named the Indian Pass area as one of the 11 Most Endangered Historic Places in 2002. It is a place that is not suitable for a massive open pit mine.

In 1998, the Los Angeles Times wrote that this dispute marked the first significant test of Executive order 13007. The struggle has been long and hard, with many sacrifices along the way. But we are resolved.

Our Tribe worked for six years within the established process to see that our culture be protected and the mine be denied. The federal Advisory Council on Historic Preservation found that the mine would directly destroy our way of life and history and recommended that BLM take all legal means to deny the mine. Interior did just that and denied the mine in early 2001.

But, Secretary Norton stripped that hard fought victory away, with a single stroke of her pen, and reversed the denial of the mine in a one paragraph statement, with no public comment and consultation with us.

A bill like NASLA, may have prevented the train wreck that is the proposed Glamis Imperial Mine. The ability for tribes to initiate a suitability determination means that we would not have to rely upon under funded and understaffed agencies to protect and preserve our irreplaceable cultural patrimony. Without taking away the agencies' responsibilities in that area, the bill would create a mechanism for us to initiate protection for our sacred areas.

Our struggle at the Indian Pass area has also resulted in California state legislation to protect our sacred places. SB 1828 would help in two ways. First, it would require that when a project is proposed, that the established state environmental review process include consideration impacts to sacred places and early meaningful government to government consultation with any affected tribes. If mitigation cannot be attained, then the lead agency can only approve the project, when overriding environmental, public health or safety needs require it.

Second, the state bill would also require that new open pit mines, in protected areas of the California desert, at or near sacred sites, be completely backfilled. Complete backfill, while not eliminating impacts to spiritual values, would reduce environmental impacts and allow for future public use of the area, versus, exclusive mining use in perpetuity.

This state bill passed both Houses of the Legislature by wide margins and has strong bipartisan support. It is now on the Governor's desk awaiting his signature. Tribal runners in California are making a statement , even today, for him to sign the bill.

But, the state bill is not a substitute for needed federal action to protect sacred places. So many of our sacred places on federal lands have already been destroyed. Many more are posed for destruction. Picked off one-by-one. Tribe-by-Tribe. Project-by-Project. This must stop.

When a site is lost, our hearts break. Our link to our ancestors, and our future is broken. Our traditional singers cannot sing about a place that is lost. Our youth cannot learn about what happens at a location when that location is permanently converted to an industrial use. Our practitioners cannot conduct ceremonies at sites when access to them has been blocked.

The bulldozer or backhoe ripping into the earth, rips into our hearts. Our inability to stop this destruction makes us feel as though we are failing our ancestors and our children. If you destroy the land, you destroy what we believe in, who we are. This too must stop.

HR 5155 will codify and improve upon Executive Order 13007. It requires 1) accommodating access to and ceremonial use of our sacred places, 2) protecting our sacred places from significant damage, 3) and, would add a requirement for meaningful government-to-government consultation prior to federal agencies taking irreversible actions that impact our sacred places.

The bill moves these common-sense protections from an Executive Order that can be revoked by a succeeding administration, into law, and allows us to protect our rights. It also contains a much-needed confidentiality provision to respect all tribes and protect sites.

If there are ways to strengthen the bill to help Indian people, we respectfully encourage the Committee to do so. Specific changes might include:

- Strengthening the attorney's fee provision so that all tribes can participate in protecting their sacred places;
- Eliminating the possibility of an Indian Claims Commission for sacred place destruction because our Tribe, and others, will not accept one penny to allow the destruction of our history and traditions;
- And revisiting the standards of proof to better reflect the nature of the resources at stake.

Also, we cannot forget that the other federal actions, apart from this bill, are still needed in Indian country to protect our history and sacred places. These include:

- Adequate funding for the land management agencies to do the jobs they are already required to do through various statutes, plans and policies such as: timely surveying lands, increasing patrols and improving enforcement;¹
- Filling in gaps in existing laws so that they function as envisioned, to protect the on-the-ground resources and traditional uses.²

In closing, my Tribe and I thank you, Chair J.D. Hayworth for holding this hearing, and for the opportunity to tell our story. We thank Mr. Rahall for introducing this bill, and look to this Committee and the House to take actions to protect our irreplaceable places and the unique cultures they support.

Another mine on our ancestral lands is not essential. The preservation of our culture is.

Sincerely,

President Mike Jackson Sr.
Quechan Indian Tribe

¹See, for example, BLM's *Strategic Paper on Cultural Resources at Risk*, June 2000, which finds that our "Great Outdoor Museum" may soon lack sufficient integrity and representativeness to relate anything more than anecdotal account of western land use, and, BLM's *Our Vanishing Past: The Crisis of Cultural and Paleontological Resources on BLM Lands*, January 2002, which gives a state-by-state overview of the resource crisis. We are informed that the latter report is now being withheld by Interior. Both of these

BLM-produced documents indicate that the Indian resources on our public federal lands are increasingly, and seriously, at risk and at a critical stage. Cited reasons for this crisis include vandalism, sprawl development, illegal off-highway vehicle activity, utility infrastructure, neglect, and certain mining operations. As a general matter, BLM itself states that Indian cultural heritage, including sacred areas, are presently inadequately protected by BLM.

²See, for example, the National Research Council's *Hardrock Mining on Federal Lands*, commissioned by the U.S. Congress in 1999 (National Academy Press, Washington D.C. 1999). As you may be aware, Glamis continuously miscites to this report for the alleged proposition that current laws and authorities adequately protect Indian sacred places. To the contrary, the Report states that there is a need for filling gaps and inadequacies in regulations, for improving implementation of such regulations and for increasing the availability and quality of information to protect historic and cultural resources, including sacred places. It is to the Council's credit that it came to these conclusions despite the fact that tribes were not invited to the hearings or to consult, but entities like Glamis and its attorneys were invited to participate. (Report, Appendix G). The Research Council found that additional work is needed, in many cases, to adequately protect sacred places on federal public lands from destruction.

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