



Testimony of Dr. Ned Norris, Jr.

Chairman of the Tohono O'odham Nation

In Support of the Southern Arizona Public Lands Protection Act of 2009

H.R. 2944

Before the Subcommittee on National Parks, Forests, and Public Lands

Committee on Natural Resources

United States House of Representatives

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Good morning, my name is Dr. Ned Norris, Jr. and I am the Chairman of the Tohono O’odham Nation. Today, the Subcommittee on National Parks, Forests and Public Lands has invited me to testify about the Southern Arizona Public Lands Protection Act of 2009. The Tohono O’odham Nation is a federally recognized Indian tribe located in southwestern Arizona. Our people have lived in the region known as Papagueria since time immemorial. Historic Papagueria extends over an area much wider than our current reservation; it extends south into Sonora, Mexico, north to central Arizona, west to the Gulf of California, and east to the San Pedro River. This bill covers lands in southern Arizona which were part of Papagueria and thus lands which are significant to the Tohono O’odham and their culture.

There are two compelling reasons why the House should pass the Southern Arizona Public Lands Protection Act of 2009. First, it would protect from destruction over 90 heritage resource sites that have been identified within the proposed Rosemont Mine project area. Many of these sites contain Tohono O’odham cultural resources or the cultural resources of their ancestors. These sites are sacred to our tribe. They also hold historical importance to the State of Arizona. These sites have yielded important information regarding the settlement and occupation of southern Arizona. Second, requiring mining companies and other holders of unpatented mining claims to prove that a valuable mineral resource exists on their claims is in line with the intent and purpose of the General Mining Law of 1872.

The Tohono O’odham consider the Ce:wi Duag, or the Santa Rita Mountains, a Traditional Cultural Place eligible for listing in the National Register of Historic Places. Ce:wi Duag has been used by tribes and their ancestors for at least 5,000 years. For several hundred years the Tohono O’odham specifically have used Ce:wi Duag for living, hunting, gathering of medicinal plants and plants for food, gathering of materials for making baskets, and for the creation of sacred shrines.

Although there has been historical and modern mining activity in the Santa Rita Mountains, the proposed Rosemont Mine dwarfs previous projects in both scope and effect. The proposed 4,451-acre Rosemont Mine project will destroy numerous cultural resources belonging to the Tohono O’odham and their ancestors as well as permanently scarring the cultural landscape of the Ce:wi Duag. Excavations that occurred in a limited portion of the area in conjunction with a previously proposed mining project produced a wide variety of cultural resources such as grinding implements, food and resource procurement and processing sites, habitation sites – including numerous pit houses, storage pits, a ball court, and 75 sets of human remains. In the archeological survey recently completed by SWCA for the proposed Rosemont Mine project, thousands of individual artifacts were discovered in the project area. Over 40 prehistoric sites are considered eligible for listing with the National Register of Historic Places. An additional 20 sites are recommended for further investigation to determine eligibility for

listing with the National Register. Notably, these sites are eligible under Criterion D of the regulations which means they have the ability to produce information important in prehistory or history. Disturbing these sites will diminish future generations' ability to gather scientific and historical information.

Even more concerning for my people, is the report's conclusion that many undiscovered habitation pits and human burials are likely to be present in other locations within the proposed project site. These habitation pits and human burials will be destroyed when they are excavated to allow for development of the Rosemont mine. Our ancestor's resting places, the entire cultural landscape of this portion of the Ce:wi Duag, will be no more.

The withdrawal action that is required by this bill would subject unpatented mining claims located on public land within Pima and Santa Cruz counties to a test of value. This test of the value is in line with the intent and purpose of the General Mining Law of 1872. The intent of the law is to reward and encourage discovery of minerals that are valuable. To that end, Congress made public lands available to people for the purpose of mining valuable mineral deposits and not for any other purpose. In the case of the proposed Rosemont Mine project, that valuation test will not occur unless this bill is passed. Considering the potential consequences of the Rosemont Mine project to the Tohono O'odham and their culture, and to the state of Arizona, it is only fair to subject the Rosemont Mine project to a test of value to ensure that valuable mineral deposits exist on the land, prior to allowing the destruction of these sites precious to our tribe.

The Southern Arizona Public Lands Protection Act of 2009, if enacted, would protect Indian cultural sites from destruction by ill-considered mining projects, and would require a determination of value by the owners of unpatented mining claims before they can proceed with mining.

In conclusion, we urge the Subcommittee to mark up the bill and recommend it to the full Committee.