



Terry Rambler  
Chairman

## **SAN CARLOS APACHE TRIBE**

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Tao Etpison  
Vice-Chairman

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July 2, 2024

### **Via E-mail and U.S. Postal Service**

Raymond Suazo  
Arizona State Director  
U.S. Bureau of Land Management  
One North Central, Suite 800  
Phoenix, Arizona 85004-4427  
E-Mail: [blm\\_az\\_asoweb@blm.gov](mailto:blm_az_asoweb@blm.gov)

Dear State Director Suazo:

On behalf of the over 17,300 members of the San Carlos Apache Tribe (“Tribe”), I am greatly concerned over the exploratory drilling operations sponsored by Faraday Copper and authorized by Bureau of Land Management (“BLM”) in the Copper Creek Drainage near the Tribe’s trust lands and Mammoth, Arizona that has progressed without BLM first consulting with the Tribe. Specifically, I am concerned that the drilling may be affecting the Tribe’s cultural and ancestral resources, water rights, and downstream interests.

A brief chronicle offers a useful basis for understanding our concerns and enabling our consultations. In 2020, Faraday Copper [submitted an exploration plan](#) to BLM, triggering a mandatory review under the National Environmental Policy Act (“NEPA”) and related authorities. In 2022, Faraday Copper initiated [Phase 1](#) and [Phase 2 drilling programs](#) on private land in Copper Creek. In August 2023, BLM officials notified the Tribe and other parties of its plans to complete the NEPA analysis of the Faraday exploration plan by January 2024. Last month, without further communications with the Tribe, BLM provided Faraday Copper with [Notice-level approval](#) to conduct drilling at 11 sites on BLM land in Copper Creek.

**Raymond Suazo**

*Re: Faraday Copper Drilling*

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Please review the December 1, 2022 joint Department of the Interior and Agriculture [new regulatory and policy requirements](#) for agency actions and communications specifically relating to mineral exploration proposals. These requirements obligate BLM to do all of the following:

- inform “all potentially impacted Tribal governments of exploration ‘notices’ ... [and]
- “allow Tribal governments to confidentially specify geographic areas of interest ... [and]
- “Invite Tribal governments to participate in pre-exploration or mining plan submission meetings with mine developers ... [and]
- “Explore the formation of intergovernmental teams composed of federal, Tribal, state and local government officials to facilitate information-sharing and identification of issues ... [and]
- “Consult with Tribal governments on reclamation plans and ... desired post-mining land uses ... [and]
- “Make additional efforts to include Tribal governments who have a current or historical presence in a potentially-impacted [sic.] area.”

The Tribe has no record of BLM consulting with the Tribe or any other efforts by BLM to meet its obligations per the above-cited policy or the Department Manual requirements for all Interior agencies to “make good-faith efforts to invite Tribes to consult early in the planning process and throughout the decision-making process and engage in robust, interactive, pre-decisional, informative, and transparent consultation when planning actions with Tribal implications” (Department of the Interior, Departmental Manual, Part 512, Chapter 5, Procedures for Consultation with Indian Tribes § 5.4 (Nov. 30, 2022), [https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-5\\_2.pdf](https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-5_2.pdf)).

In specific reference to the Faraday Copper project, be advised that BLM’s obligation to meaningfully consult with potentially affected tribes, including the San Carlos Apache Tribe, applies to Notice-Level Operations (Notices) submitted pursuant to the Mining Law of 1872. The above-cited guidance specifies that agencies “should operate under the assumption that all actions with land or resource use or resource impacts may have Tribal implications and should extend consultation invitations accordingly.”

I look forward to your timely response regarding the status of the NEPA process and BLM’s schedule for completing the requirements cited above. It is my hope that your response will be thorough and will exemplify BLM’s obligations to understand and protect areas of cultural heritage and the environment whenever activities related to mineral exploration are on the table. Because the ongoing drilling operations may be affecting the Tribe’s cultural resources, water rights, and downstream interests, and because the drilling is proceeding in apparent violation of law and policy, please suspend the drilling and make plans to meet with the San Carlos Council, the Tribe’s governing body. Please provide three dates in July convenient to your schedule to Santana Dillon, the Council Secretary, via e-mail at @scat-

**Raymond Suazo**

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[nsn.gov](http://nsn.gov) and request that the Copper Creek Project be placed on the Council agenda. In addition, please promptly coordinate with Vernelda Grant, the Tribe's Historic Preservation Officer, regarding places associated with the Tribe's history that may exist within impacted lands. Ms. Grant may be reached via e-mail at [REDACTED]@yahoo.com, and copy the Tribe's Attorney General, Alexander Ritchie at [REDACTED]@scat-nsn.gov.

As we say in our Apache language, Ahi'yi'é (thank you). We look forward to learning more and consulting about the Copper Creek Project.

Sincerely,

SAN CARLOS APACHE TRIBE



Terry Rambler  
Chairman

Cc: Hon. Timothy L. Nuvangyaoma, Chairman, Hopi Tribe, [REDACTED]@hopi.nsn.us  
Hon. Stephen Roe Lewis, Governor, Gila River Indian Community  
Javier Ramos, General Counsel, Gila River Indian Community, [REDACTED]@gric.nsn.us  
Hon. Arden Kucate, Governor, Pueblo of Zuni, [REDACTED]@ashiwi.org  
Hon. Verlon M. Jose, Chairman, Tohono O'odham Nation  
Steve Nash, Archaeology Southwest, [REDACTED]@archaeologysouthwest.org  
Howard Shanker, AG, Tohono O'odham Nation, [REDACTED]@tonation-nsn.gov  
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San Carlos Apache Tribe

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