



SOUTHERN UTE INDIAN TRIBE

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Tribal Council Opposes the La Plata Canyon Block Cave Mining Project

Southern Ute Indian Reservation - Metallic Minerals U.S. Inc. is presently conducting community outreach regarding its La Plata Canyon Block Cave Mining Project, a project designed to explore the potential for mining of copper and other minerals in La Plata County. This project is currently in the exploratory stage. However, as proposed, it will cover 19 square miles (approximately 12,300 acres) of the La Plata Mountains. Across southwest Colorado, community members have understandably expressed concern over this proposed project due to its most likely impact on air and water quality and recreational opportunities. The Tribe agrees with those who recognize its detrimental impact. While this project is still in early stages, the proposed scale and nature of the proposal raise serious concerns regarding its effect on the Southern Ute Indian Tribe's ("Tribe") Treaty rights, cultural resources and access, the environment, and overall interests.

As Metallic Minerals acknowledges on its website, the Tribe maintains "deep historical and cultural ties" to the region and states it is committed to "respect[ing] the local Native governments." The proposed mine and infrastructure is located in the Brunot Area where the Tribe maintains federally protected Treaty rights. In 1874, Congress approved the Brunot Agreement which removed 3.7 million acres of the land held by the Ute bands under the Treaty of 1868. Like most agreements with the federal government at that time, the Brunot Agreement was written through dishonesty and deception, largely to benefit mining interests. However, under the terms of that agreement, the Tribe retains the right to hunt, fish, and gather on the ceded lands, which are commonly referred to as the Brunot Area. The Tribe exercises those federally protected rights today.

The proposed project would directly impact these Treaty rights, which our ancestors fought to preserve more than 150 years ago. Metallic Minerals stated that they respect that Treaty "rights inform Tribal perspectives on land use in this region and [they] will incorporate Tribal input into [their] project planning." To be clear, Treaties are the supreme law of the land. They are not a mere perspective, but the highest form of law expressed in the United States Constitution. Framing the Treaty rights as merely one factor to consider is incorrect and unacceptable. The Tribal Council will do all we can to protect and preserve our Treaty rights. We will not allow these rights to be diminished or disregarded in favor of mining interests.

Metallic Minerals has also stated that they are committed to environmental stewardship and described the proposed mine as having limited environmental impact by using new technology. That is not the case. The company is proposing a method of extraction called block cave mining. Block cave mining involves cutting horizontal shafts into a mountain, extracting the ore from those horizontal shafts, and then intentionally collapsing those shafts. The

result is a systematic collapse of the land within itself. Essentially, those areas of the La Plata Mountains where the mining takes place will cave in. This process and method will leave a devastating visual impact which will change the landscape. The aesthetics will forever be detrimentally changed, which is unacceptable to the Tribe.

This is a migration area for elk and mule deer and a calving area for elk populations. As proposed it will detrimentally affect hunting in the Brunot Area. It is also an area that hosts a variety of different culturally significant plant species that Tribal members gather and utilize. This project as proposed will affect the gathering of plants in the Brunot Area by Tribal members.

The project is within the La Plata River watershed. The La Plata River is presently identified as an impaired river north of the Southern Ute Indian Reservation. Mining releases heavy metals, sulfates, cyanide and nitrates into surface and groundwater. Those contaminants can move through complex hydrogeological pathways, creating virtually permanent water chemistry changes. This project as proposed will adversely affect water quality in the La Plata River, as well as the associated seeps and springs of cultural and spiritual importance to the Tribe. Within the last decade, the lasting consequences of mining have been experienced here most notably as evidenced by the Gold King Mine contamination that occurred decades after the mine closed. There is no certainty that this could not happen once again.

The Tribe does not intend to repeat history and forfeit its Treaty rights to mining interests. Tribal Leadership will continue to ensure that our rights under the Brunot Agreement are not infringed, and that vital areas of cultural significance to the Tribe in the proposed mining project area are protected.

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