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Jose Cubelo & Amy Sinclair
Business & Human Rights Resource Centre

Dear Jose and Amy,

BHP response as at 16 February 2021 to the article *Native Americans seek to stop Rio Tinto, BHP copper mine plan* <https://www.smh.com.au/business/companies/native-americans-seek-to-stop-rio-tinto-bhp-copper-mine-plan-20210113-p56ttl.html>

Thank you for the opportunity to provide a response to the above mentioned article. BHP recognises the Resolution Copper project area has cultural significance for Native American Tribes, and their members. We appreciate the opportunity to share the information below.

Resolution Copper Mining is jointly owned by Rio Tinto (55%) and BHP (45%), managed by Rio Tinto.

The publication of the Final Environmental Impact Statement (FEIS) for Resolution Copper (the project) referred to in the media article is part of an independent governmental, social and environmental assessment and licensing process, led by the US Forest Service under the National Environmental Policy Act. It is one of many steps in a long process towards mine development. Further detail on the FEIS, which was published on 15 January 2021, can be found on the U.S. Forest Service website [here](#).

BHP respects that some Native American Tribes and other groups are seeking juridical review of the FEIS and the land exchange.

In relation to the outlook for Resolution Copper, further development of the project will be subject to additional studies, including a detailed feasibility study, and engagement with Tribes and other community stakeholders, and will be subject to additional regulatory and government approvals in coming years.

Resolution Copper has publicly [stated](#) its commitment to ongoing engagement with Native American Tribes and working to seek consent before any decision on the development of the project, consistent with the International Council on Mining and Metals (ICMM) Statement on Indigenous Peoples and Mining. BHP will monitor and support Resolution Copper's engagement with Native American Tribes, to fulfill its commitments through ongoing good faith dialogue.

BHP funding decisions in relation to further development of the project will be contingent upon the project satisfying both commercial considerations and alignment with our values, policies and practices in relation to social value and the rights of Indigenous Peoples.

In this regard, BHP is committed to operating in a manner consistent with the United Nations Guiding Principles on Business and Human Rights and we recognise the traditional rights of Indigenous peoples and acknowledge their right to maintain their cultures, identities, traditions and customs. Indigenous peoples are critical partners and stakeholders for BHP. Further information regarding our position and approach can be found in [Indigenous peoples | BHP](#).

We appreciate our ongoing dialogue with the Business and Human Rights Resource Centre on these critically important matters. Please do not hesitate to contact me should you wish to discuss further.

Best regards,

Paige Davies
Head of Community & Social Performance

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