

February 18, 2021

**Response to Business and Human Rights Resource Centre:
Statement on report concerning lawsuit filed by Apache Stronghold.**

We refer to your request for a response to the recent filing of a lawsuit by the Apache Stronghold on January 12, 2021, in relation to the Resolution Copper Project, which is jointly owned by ourselves and BHP, in Arizona in the United States.

Your email includes the article by the Sydney Morning Herald dated January 13, 2021 wherein it refers to the Apache Stronghold's lawsuit aimed at stopping the US Government from transferring land as per the Southeast Arizona Land Exchange and Conservation Act, signed by President Obama in December 2014.

We would like to take this opportunity to provide you with an update of events that have occurred since the publication of the Sydney Morning Herald article dated January 13, 2021.

On January 14, 2021 a judge denied Apache Stronghold's motion for a temporary restraining order and set a February 3, 2021 preliminary injunction hearing. The US Forest Service released the Final Environmental Impact Assessment (FEIS) for the project on January 15, 2021. On February 3, 2021 a federal judge heard arguments on Apache Stronghold's motion for a preliminary injunction to stop the land exchange. On February 12, the Court denied the motion and declined to issue a preliminary injunction.

Resolution Copper respects the judicial process and remains committed to ongoing engagement with Native American Tribes to continue shaping the project and deliver initiatives that recognize and protect cultural heritage.

There is a diversity of opinion amongst Native American Tribal members around the project. We understand the significance of Oak Flat to some members of the San Carlos Tribe and we welcome engagement to listen and incorporate their feedback as we continue to shape the project and progress through additional permitting requirements. We also understand the significance of jobs and training to dozens of members of the San Carlos Apache tribe and other Apache and non-Apache consulting tribal members who count on Resolution Copper for employment. We respect the diversity of views and continue to work hard to balance all the needs and wants of the many different stakeholders associated with the project.

Mining has coexisted with public uses in the Oak Flat area for decades. We will continue to seek constructive relations with all tribes who have connections to the project area in order to coexist into the future. We are extremely grateful and are encouraged by the extensive and meaningful

participation, and in many cases, the direct and positive engagement of the Native American tribes who have participated in the permitting process and dialogue with us so far.

Consistent with ICMM's Position Statement on Indigenous Peoples and Mining we are committed to continued consultation with all 11 Native American Tribes that have historical connection with the land involved in the Resolution Copper project, including the Oak Flat campground, Apache Leap and other specific sites that have been identified by the tribes through tribal perspective reports. The 11 tribes that have historic connection to the area are: Hopi Tribe, Pueblo of Zuni, Mescalero Apache Tribe, Yavapai Apache Nation, Yavapai-Prescott Indian Tribe, San Carlos Apache Tribe, Tonto Apache Tribe, Fort McDowell Yavapai Nation, White Mountain Apache Tribe, Gila River Indian Community, and Salt River Pima-Maricopa Indian Community. Our commitment to engage and listen to the concerns of each of these sovereign tribal nations throughout the life of the project was communicated in a letter to each elected leader of the 11 tribes in a December 23, 2020 (attached).

The US Forest Service consultation process regarding Resolution Copper has been lengthy, respectful and substantive. The US Forest Service has consulted with Native American Tribes meaningfully and consistently for over 11 years on terms defined by each consulting Tribe for full information exchange and input long before a final decision is issued. A cultural heritage landscape approach has been extensively applied over the many years' worth of consultation, coordination and collaboration with Native American Tribes under the National Environmental Policy Act for the entire project area, land exchange and all alternatives. More than 150 archaeological reports, ethnographic studies and tribal perspective reports have been conducted to review the Resolution Copper project in consultation with Native American Tribes. The 11 Tribes have considerably influenced activities resulting in the protection of specific traditional cultural properties, the avoidance of medicinal plants, springs and ancestral sites for project activities.

The outcome of consultation and collaboration has resulted in the significant mitigation measures that respond to the concerns raised by the public and tribal governments through this process. The details of the mitigations or measures to resolve adverse effects to cultural heritage are developed in direct response and close collaboration with Native American Tribes and federal and state agencies and contained within a Programmatic Agreement.

Over the course of the mine's life, we expect to invest approximately \$100 million in a range of important initiatives including cultural heritage, education, youth program support, economic development, environmental mitigation and recreation. The Programmatic Agreement is a starting point from which we will continue to build in consultation with the Tribes and other relevant stakeholders.

It is also important to recognise the benefits that Resolution Copper will provide, supplying essential raw materials to combat climate change; doubling the acreage in federal ownership in Arizona of lands with high biodiversity and heritage value; creating well-paid jobs in Arizona; paying taxes to support public services; and commitments to local communities and consulting

Native American Tribes around cultural heritage preservation, education, economic diversification and development, employment, youth and other areas.

There are still many layers and years of permitting, consultation and final feasibility studies ahead of us. We have time to continue the important dialogue on cultural heritage and other matters before any final decision to invest in the project is made.

We remain committed to ongoing engagement with Native American Tribes to continue shaping the project and deliver initiatives that recognize and protect cultural heritage. Through listening to tribal views, we seek to find ways to work together collaboratively in a manner that can provide mutual benefit for us all.