



## RESOLUTION #11 - 78

" Opposition to Southeast Arizona Land Exchange and Conservation Act of 2011, Which Would Transfer Federal Land for a Massive Block Cave Mine that Would Destroy Native American Sacred and Cultural Sites "

### PREAMBLE

We the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, the United States Government has legal and moral responsibilities to manage and protect traditional cultural territories in a way that shows respect for these places that hold religious, cultural, historical, and spiritual importance to Indian tribes and their quality of life; and

WHEREAS, Tribal sacred sites located on federal lands within traditional cultural territories are entitled to protection under, *inter alia*, relevant provisions of the United Nation Declaration on the Rights of Indigenous Peoples, Tribal treaty rights and the United States' trust responsibility to Indian Tribes and the U.S. Constitution, as well as Executive Order 13007,

Section 106 of the National Historic Preservation Act, the American Indian Religious Freedom Act, the Religious Freedom Restoration Act and other laws; and

WHEREAS, H.R. 1904, entitled the “Southeast Arizona Land Exchange and Conservation Act of 2011,” would mandate that the Secretary of Agriculture transfer over 2,400 acres of federal lands located within the Tonto National Forest to a private mining company called Resolution Copper, which is owned by the foreign mining giants Rio Tinto PLC (United Kingdom) and BHP Billiton Ltd (Australia), for purposes of an unprecedented block cave copper mine that would be the largest mine in North America; and

WHEREAS, the federal lands proposed for transfer, which are generally known as Oak Flat, including the Oak Flat Withdrawal area, are the ancestral lands of tribes in the region; and these lands are of unique religious, cultural, traditional, and archeological significance; and

WHEREAS, H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal, which was expressly set aside from mining by President Eisenhower in 1955 due to the lands value for recreation and other important purposes; and

WHEREAS, the mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for tribes in the region, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and

WHEREAS, the block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the religious, cultural, and historic terrain in this area; and

WHEREAS, H.R. 1904 has national significance because it is the only legislation pending in Congress that would transfer federal land that is a sacred site for Indian tribes into the private ownership of foreign mining interests for the development of a mine that will destroy it; and

WHEREAS, H.R. 1904 sets bad precedent because it does not allow for meaningful consultation with Indian tribes that would be affected by the proposed conveyance; and

WHEREAS, H.R. 1904 mandates that the Secretary of Agriculture convey to Resolution Copper the land in question within one year of enactment of the Act without any advance studies or analyses; and

WHEREAS, these studies and analyses should be conducted before there are any decisions on whether to convey this land; and

WHEREAS, tribes and tribal organizations across the country have passed resolutions or sent letters to the U.S. Congress opposing H.R. 1904 due to the harm to religious, cultural,

archeological, and historic resources, as well as the environmental consequences to the land from the proposed mining activities; and

WHEREAS, despite strong opposition to H.R. 1904 from tribes and tribal organizations across the country due to the proposed mine's impacts on and destruction of Native American sacred and cultural sites, on October 26, 2011, the House of Representatives passed H.R. 1904 by a vote of 235-186; and

WHEREAS, Rep. Ben Ray Lujan (NM-3), offered an amendment to H.R. 1904 on the House floor during debate of H.R. 1904 that would have exempted all sacred and cultural sites from the land conveyance in H.R. 1904; but, despite strong support from Indian tribes across the country, the amendment failed by a vote of 189-233; and

THEREFORE BE IT RESOLVED, that ATNI does hereby; and hereby express its strong opposition to H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011, and any companion legislation that may be introduced or considered in the U.S. Congress; and

BE IT FURTHER RESOLVED, that ATNI declares that the foreign mining giants, Rio Tinto and BHP Billiton should not be allowed to circumvent laws and policies designed to promote tribal consultation and to ensure transparency and full consideration of impacts and consequences of their actions; and

BE IT FURTHER RESOLVED, that ATNI urgently calls upon the Senate Energy and Natural Resources Committee, the Senate Indian Affairs Committee, other Members of the United States Senate, and the President of the United States to act to ensure that H.R. 1904 is not enacted into law; and

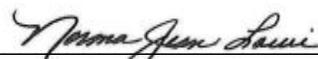
BE IT FINALLY RESOLVED, that this Resolution shall be the policy of ATNI until is withdrawn or modified by subsequent resolution; and until the United States Congress and the United States Government and all its agencies act in a manner that is respectful to the quality of life and existence of tribal communities.

#### CERTIFICATION

The foregoing resolution was adopted via email with a quorum represented December 16, 2011, by the executive board vote of 6 for 0 against 1 abstain.



Fawn Sharp, President



Norma Jean Louie, Secretary