



INTER-TRIBAL COUNCIL OF NEVADA, INC.

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RESOLUTION NO. 13-ITCN-06

OPPOSITION TO H.R. 687/S. 339, SOUTHEAST ARIZONA

LAND EXCHANGE AND CONSERVATION ACT OF 2013, THAT

WOULD TRANSFER FEDERAL LAND FOR A MASSIVE BLOCK CAVE MINE

THAT WOULD DESTROY NATIVE AMERICAN SACRED AND CULTURAL SITES

BATTLE MOUNTAIN
BAND COUNCIL
CARSON COLONY
COMMUNITY COUNCIL
DRESSERVILLE
COMMUNITY COUNCIL
DUCK VALLEY
SHOSHONE-PAIUTE
BUSINESS COUNCIL

DUCKWATER
SHOSHONE
TRIBAL COUNCIL

ELKO BAND
COUNCIL

ELY SHOSHONE
COUNCIL

FALLON BUSINESS
COUNCIL

FT. McDERMITT
PAIUTE-SHOSHONE
TRIBES

GOSHUTE BAND
COUNCIL

LAS VEGAS PAIUTE
TRIBAL COUNCIL

LOVELOCK TRIBAL
COUNCIL

MOAPA BUSINESS
COUNCIL

PYRAMID LAKE
TRIBAL COUNCIL

RENO/SPARKS
TRIBAL COUNCIL

SOUTH FORK
BAND COUNCIL

STEWART
COMMUNITY COUNCIL

SUMMIT LAKE
PAIUTE COUNCIL

TE-MOAK TRIBAL
COUNCIL

TIMBISHA SHOSHONE
TRIBE

WALKER RIVER
PAIUTE TRIBAL
COUNCIL

WASHOE TRIBAL
COUNCIL

WELLS BAND
COUNCIL

WINNEMUCCA
COLONY COUNCIL

WOODFORDS
COMMUNITY
COUNCIL

YERINGTON PAIUTE
TRIBAL COUNCIL

YOMBA TRIBAL
COUNCIL

- WHEREAS,** the Inter-Tribal Council of Nevada, Inc., is organized and operates in accordance with the Constitution and By-Laws, amended in November 1974; and
- WHEREAS,** the purpose of the Inter-Tribal Council of Nevada, Inc., are stated in its Constitution, Preamble; and
- WHEREAS,** the Executive Board, a body comprised of the elected 27 representatives of the member tribes in the State of Nevada and whose charter is ratified by these same tribes; and
- WHEREAS,** the Inter-Tribal Council of Nevada, Inc., has continuing interest the health, education and well-being of the American Indian People; and
- WHEREAS,** the United States Government has legal and moral responsibilities to manage traditional cultural territories in a way that shows respect for these places that hold cultural, historical, spiritual, and religious importance to Indian tribes and their quality of life; and
- WHEREAS,** these places have resources that provide Indian tribes with sustenance, the subsurface aquifers, natural spring waters, and other forms of watershed found in these mountains, gives life to plants and animals, and from these elements we are blessed with food and medicine; and
- WHEREAS,** H.R. 687 and S. 339, both entitled the “Southeast Arizona Land Exchange and Conservation Act of 2013” and which are identical bills, 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,** H.R. 687, introduced by Rep. Paul Gosar and Rep. Ann Kirkpatrick, and S. 339, introduced by Senator John McCain and Senator Jeff Flake, are identical bills to their predecessor bill, H.R. 1904 introduced by Rep. Paul Gosar in the 112th Congress; 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. 687 and S. 339 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 at Apache Leap, Oak Flat, and Grand Canyon, which are adjacent to Oak Flat; and
- WHEREAS,** the mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its wake long term and in some cases, permanent religious, cultural and environmental damage; and
- WHEREAS,** the extent of irreparable water damage through contamination is unknown and will continue throughout the 40-plus year life span of the proposed mine and will cause continuing harm to all living things in the region forever following mine closure; and
- WHEREAS,** in its minimal exploration to-date the mining company has already begun to leave a destructive footprint on culturally significant areas and on precious resources, such as water, in and surrounding Oak Flat and Apache Leap; and
- WHEREAS,** H.R. 687 and S. 339 have national significance because they would direct the mandatory transfer of this federal land that is a sacred area of tribes to a private company for mining activities that will destroy it; and
- WHEREAS,** H.R. 687 and S. 339 set 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. 687 and S. 339 mandate 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 and tribal consultations should be conducted before there are any decisions on whether to convey this land; and

NOW THEREFORE BE IT RESOLVED, that the Executive Board, on behalf of their Membership, hereby that Inter-Tribal Council of Nevada express its strong opposition to H.R. 687 and S. 339, the Southeast Arizona Land Exchange and Conservation Act of 2013, and any companion legislation that may be introduced or considered in the U.S. Congress; and

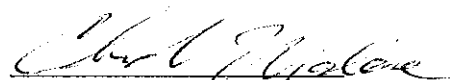
BE IT FURTHER RESOLVED, that Inter-Tribal Council of Nevada declares that Resolution Copper should not be allowed to circumvent laws and policies designed to promote tribal consultation and designed to ensure transparency and full consideration of impacts and consequences; and

BE IT FURTHER RESOLVED, that Inter-Tribal Council Of Nevada urgently calls upon the Senate Energy and Natural Resources Committee, the Senate Indian Affairs Committee, other Members of the United States Senate, the House Natural Resources Committee, other Members of the House of Representatives, and the President of the United States to act to ensure that H.R. 687 and S. 339 are not enacted into law; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of Inter-Tribal Council of Nevada until is withdrawn or modified by subsequent resolution; and until 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.

C-E-R-T-I-F-I-C-A-T-I-O-N

The forgoing resolution was adopted at the duly called meeting of the Inter – Tribal Council of Nevada, Executive Board meeting held on the 22nd day of February 2013, by a vote, 13 **For**, 0 **Against**, 0 **Abstention**.



Chad Malone, Secretary
ITCN Executive Board