RESOLUTION NO. 11-ITCN-06

RESOLUTION
OF
INTER-TRIBAL COUNCIL ON NEVADA, INC.


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, 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 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 Oak Flats 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 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 of tribes to a private company for mining activities 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 historical resources, as well as the environment 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 impact 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, Representative 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 for 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

NOW THEREFORE BE IT RESOLVED, that Inter – Tribal Council of Nevada does 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 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 State Senate and the President of the United States to act to ensure that H.R. 1904 is not enacted into law; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of Inter – Tribal Council of Nevada, until it is withdrawn or modified by subsequent resolution; and until the United States Congress and the United States Government and all of its agencies act in Manner that is respectful to the quality of life and existence of tribal communities.

NOW THEREFORE BE IT RESOLVED that the Executive Board, on behalf of their Membership, hereby opposes H.R. 1904, Southeast Arizona Land Exchange and Conservation Act of 2011, Which Would Transfer Land for a Massive Block Cave Mine that Would Destroy Native American Sacred and Cultural Sites.
CERTIFICATION
The forgoing resolution was adopted at the duly called meeting of the Inter – Tribal Council of Nevada, Executive Board meeting held on the 14th of November, 2011 by a vote, 14 For; 0 Against; and 0 Abstentions.

Bryan Cassadore, Secretary
ITCN Executive Board