



GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

2040 West Main St., Suite 112, Rapid City, SD 57702

Phone: 605-791-4050 Fax: 605-791-4051

Resolution No. 34-12-16-11

GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION (GPTCA)

Opposition to H.R. 1904, 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

- WHEREAS,** the Great Plains Tribal Chairman's Association (GPTCA) is composed of the 16 elected Chairs and Presidents or their duly appointed representatives of the sovereign Indian Tribes and Nations recognized by Treaties entered into with the United States that are within the Great Plains Region of the Bureau of Indian Affairs; and
- WHEREAS,** the Great Plains Tribal Chairman's Association was formed to promote the common interests of the Great Plains sovereign Indian Tribes and their members in the states of ND, SD and NE; and
- WHEREAS,** the United States has recognized the sovereign status of Tribal Nations through the U.S. Constitution, treaties and by numerous federal statutes; 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 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 land's 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 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 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

NOW THEREFORE BE IT RESOLVED, that GPTCA 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 GPTCA 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 GPTCA 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 FURTHER RESOLVED that this resolution shall be the policy of GPTCA 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

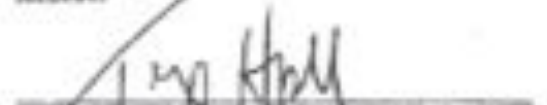
This resolution was enacted at a duly called meeting of the Great Plains Tribal Chairman's Association held at Rapid City, South Dakota on December 16, 2011. A majority of the Tribes was established, with 8 members voting in favor, 0 members opposed, 0 members abstaining, and 8 members not voting.

Dated this 16th day of December, 2011.



Secretary,
Great Plains Tribal Chairman's Association

Attest:



Chairman, Tex Hall, Chairman, Mandan, Hidatsa and Arikara Nations (Three
Affiliated Tribes)
Great Plains Tribal Chairman's Association