

**SAN CARLOS APACHE TRIBE
SAN CARLOS APACHE INDIAN RESERVATION
SAN CARLOS, ARIZONA**

RESOLUTION

No. FB-13-035

(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)

WHEREAS, the San Carlos Apache Tribe (“Tribe”) is a federally recognized Indian Tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the Tribal Council has the authority, among other things, to “represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to [the Tribe’s] Constitution and Bylaws,” pursuant to Article V, Section 1(a) of the Amended Constitution and By-Laws of the San Carlos Apache Tribe; 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;

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 Gaan 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 it's 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 by the Tribal Council of the San Carlos Apache Tribe that the Tribe does hereby 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 by the Tribal Council of the San Carlos Apache Tribe 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 by the Tribal Council of the San Carlos Apache Tribe that 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 are hereby requested to act to ensure that H.R. 687 and S. 339 are not enacted into law; and

BE IT FURTHER RESOLVED by the Tribal Council of the San Carlos Apache Tribe that this resolution shall be the policy of Tribe 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.

BE IT FINALLY RESOLVED by the Tribal Council of the San Carlos Apache Tribe that the Chairman, or in his absence, the Vice Chairman, or designee, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Tribal Council, hereby certify that the Tribal Council is composed of eleven (11) members, of whom six 6, constituting a quorum, were at a Special Council Meeting hereto held on the 27th day of February, 2013, and that the foregoing Resolution No. FB-13-035 was duly adopted by a vote of FOR: 7; OPPOSED: 0; ABSTAINED: 0; of the Tribal Council pursuant to Article V, Section 1 (a) of the Amended Constitution and Bylaws of the San Carlos Apache Tribe, effective, February 24, 1954.



Katrina Talkalai, Tribal Secretary
SAN CARLOS APACHE TRIBE