



United South and Eastern Tribes, Inc.

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USET Resolution No. 2014:031

OPPOSITION TO H.R.687/S.339, SOUTHEAST ARIZONA LAND EXCHANGE ACT OF 2013

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the United States (U.S.) Department of Agriculture Forest Service, Bureau of Land Management, National Park Service, and other federal lands nationwide are carved out of the ancestral homelands of Indian Tribes, and many of these lands encompass areas where Native people worship and conduct ceremonies, gather medicinal and traditional plants, and practice their cultural traditions; and
- WHEREAS,** the U.S. has legal and moral obligations to protect Native sacred areas located on federal lands, ensuring that Native people have access to these lands to practice their religions and cultural traditions; and
- WHEREAS,** H.R.687 and S.339, identical bills entitled the "Southeast Arizona Land Exchange and Conservation Act of 2013," would mandate the Secretary of Agriculture to convey, within one year of enactment, over 2,400 acres of National Forest Service lands to Resolution Copper, a private mining company owned by the foreign mining giants Rio Tinto PLC (United Kingdom) and BHP Billiton Ltd (Australia), to conduct a massive and unprecedented block cave copper mining project; and
- WHEREAS,** the lands to be conveyed under these bills lie within the Tonto National Forest and are known as "Oak Flat", which are the ancestral homelands of the Apache, Yavapai, and other Tribes in the region; and
- WHEREAS,** if authorized, the proposed mining project would destroy the religious and cultural integrity of Oak Flat, which would prevent the ability of nearby Tribes to continue practicing their religion and deplete and contaminate precious water resources in the region; and
- WHEREAS,** Oak Flat has played an essential role in Apache religion, traditions, and culture for centuries and is a holy site and traditional cultural property with deep Tribal religious, cultural, archaeological, historical and environmental significance; and
- WHEREAS,** Apache people lived, prayed, and died in the Oak Flat area for centuries before this mining project was conceived; and

- WHEREAS,** at least eight Apache Clans and two Western Apache Bands have documented history in the area, and Apache clans originated from this area before being forced to reservations as Prisoners of War by the U.S.; and
- WHEREAS,** the Oak Flat area is a place filled with power – a place where Apaches today go for prayer, to conduct ceremonies such as Holy Ground and the Sunrise Dance which celebrates a young woman’s coming of age, to gather medicines and ceremonial items, and to seek and obtain peace and personal cleansing; and
- WHEREAS,** Tribal citizens’ ancestors have passed their knowledge to their descendants who are alive today; and Apache elders continue to teach their youth from the earliest of ages the meaning and significance of their sacred places, including Oak Flat; and
- WHEREAS,** H.R.687 and S.339 hold national significance to Indian Country because they are the only bills pending before Congress to convey federal lands that encompass a known Native sacred area to a private company for mining activities that will destroy the area; and
- WHEREAS,** H.R.687 and S.339 would set dangerous precedent for federal Indian policy by mandating a land transfer to bypass federal laws meant to protect Native religion and culture and ensure meaningful consultation with impacted Indian Tribes; and
- WHEREAS,** these bills would circumvent a decades old ban against mining within the Oak Flat area approved by Presidents Eisenhower and Nixon, as well as federal laws such as the Native American Graves Protection and Repatriation Act, the National Historic Preservation Act and the Archaeological Protection Resources Act, which mandate protection of Native religion and culture and require Tribal consultation prior to taking federal actions that would impact federal lands; and
- WHEREAS,** opposition to H.R. 687 and S. 339, by Tribes and Tribal organizations is a result of the House of Representatives twice pulling H.R. 687 from House floor consideration; and
- WHEREAS,** the USET Board of Directors adopted Resolution 2012:006 in opposition to the predecessor bill, H.R.1904, introduced in the 112th Congress, and, in 2013, wrote letters to Members of Congress in opposition to H.R.687 and S.339; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purpose of this resolution; therefore, be it
- RESOLVED** the USET Board of Directors affirms its commitment to the protection of Native sacred and cultural sites located on federal lands; and, be it further
- RESOLVED** the USET Board of Directors expresses its strong opposition to H.R.687 and S.339, the Southeast Arizona Land Exchange and Conservation Action of 2013, and any related legislation that may be introduced or considered by the United States Congress; and, be it finally

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RESOLVED the USET Board of Directors calls upon Congress and the Administration to oppose H.R.687 and S.339, and oppose their inclusion in other larger legislative packages.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA on Thursday, February 6, 2014.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Brenda W. Lintinger, Secretary
United South and Eastern Tribes, Inc.

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