



United South and Eastern Tribes, Inc.

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USET Resolution No. 2015:033

SUPPORT FOR REPEAL OF SECTION 3003 OF THE FISCAL YEAR 2015 NATIONAL DEFENSE AUTHORIZATION ACT, THE SOUTHEAST ARIZONA LAND EXCHANGE

- 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,** through treaties with the United States (U.S.), federal laws mandating the allotment of Indian lands, and other U.S. takings, Tribal governments have ceded or otherwise realized the illegal disposition of and stealing of hundreds of millions of acres of Tribal homelands upon which this Nation was built; and
- WHEREAS,** federal lands are carved out of the ancestral lands of Indian Tribes, the historical and spiritual connections of Native Americans to these lands have not been extinguished, and some of these lands include the remains of our ancestors, and Native Americans continue to pray, hold ceremonies, and gather traditional and medicinal plants on these lands; and
- WHEREAS,** the U.S. government has legal and moral obligations to provide Native Americans access to and to protect these traditional cultural territories in a manner that respects the cultural, historical, spiritual and religious importance to Indian Tribes; and
- WHEREAS,** for more than ten years, Congress considered and rejected legislation titled the "Southeast Arizona Land Exchange and Conservation Act of 2013" ("the Land Exchange") that proposed a mandatory conveyance 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 the Land Exchange 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,** Oak Flat is a place filled with power – a place where Native people go today for prayer, to conduct ceremonies such as Holy Ground and the Apache Puberty Rite Ceremony that some refer to as 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,** 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,** the Land Exchange circumvents federal laws that mandate protection of Native religion and culture and circumvents federal laws that mandate protection of the environment; and
- WHEREAS,** the Land Exchange is an unconscionable and despicable act that will ultimately lead to the destruction and desecration of our sacred areas; and
- WHEREAS,** USET has passed resolutions opposing the Land Exchange and has joined hundreds of Native Nations, Native organizations and others in opposition to the Land Exchange, because the proposal will destroy the religious and cultural integrity of Oak Flat, and set dangerous precedent for all of Indian Country by conveying federal lands that encompass a known Native sacred area to a private company for mining activities; and
- WHEREAS,** united opposition to the Land Exchange in the 114th Congress resulted in the House of Representatives Leadership pulling the bill from the House floor twice because the misguided legislation lacked votes for passage; and
- WHEREAS,** in the face of this opposition, supporters of the Land Exchange forced a closed-door deal to attach the Land Exchange as Section 3003, a legislative rider to the FY15 National Defense Authorization Act (NDAA), which was enacted into law in December of 2014; and
- WHEREAS,** the lack of transparency and other last-minute tactics used to attach the Land Exchange to the must-pass NDAA, which funds our troops and military operations, represents the antithesis of democracy and everything that is wrong with Congress; and
- WHEREAS,** under Section 3003, the United States Department of Agriculture (USDA) must begin implementation of the Land Exchange, which includes conducting an environmental assessment of the Land Exchange and conducting government-to-government consultation with impacted Indian Tribes – but which also includes a mandatory transfer of Oak Flat to the foreign-owned mining corporation regardless of the results of the environmental assessment and Tribal government consultation; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET Board of Directors reaffirms 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 urges Congress to enact legislation to repeal the Land Exchange, Section 3003 of the Fiscal Year 2015 National Defense Authorization Act; and be it further
- RESOLVED** the USET Board of Directors urges the Administration to make all appropriate efforts to stop implementation of Section 3003, and ensure full transparency and information sharing to the general public of the outcomes of the ongoing environmental assessment and impacts on Tribal religion and culture prior to issuing a final environmental assessment.

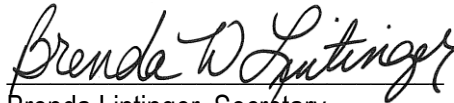
“Because there is strength in Unity”

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Mashantucket, CT, May 20, 2015.



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



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

“Because there is strength in Unity”
