



United South and Eastern Tribes, Inc.

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USET Resolution No. 2012:006

OPPOSITION TO H.R. 1904, SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2011

- 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.) Government has legal and moral responsibilities to 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 Indian Tribes in the region; and
- WHEREAS,** 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 Indian Tribes in the region, and 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 Indian 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,** Indian 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 Indian 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; therefore, be it
- RESOLVED** the USET Board of Directors expresses 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 by the United States Congress; and, be it further
- RESOLVED** Resolution Copper should not be allowed to circumvent laws and policies designed to promote Tribal consultation and to ensure transparency and full consideration of impacts and consequences; and, be it further
- RESOLVED** the USET Board of Directors urgently calls upon the Senate Energy and Natural Resources Committee, the Senate Committee on Indian Affairs, 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.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Choctaw, MS, on Thursday, November 10, 2011.



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



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

“Because there is strength in Unity”