



2015 Mid-Year Convention Warm Springs, OR

RESOLUTION #15 - 00

“SUPPORT FOR REPEAL OF SECTION 3003 OF THE FY15 NATIONAL DEFENSE AUTHORIZATION ACT, THE SOUTHEAST ARIZONA LAND EXCHANGE”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, through treaties with the United States, federal laws mandating the allotment of Indian lands, and other U.S. takings, tribal governments ceded and had taken hundreds of millions of acres of tribal homelands to help build this Nation; 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, Native Americans continue to pray, hold ceremonies, and gather traditional and medicinal plants on these lands; and

WHEREAS, the United States government has legal and moral obligations to provide access to Native Americans and to protect these traditional cultural territories in a manner that respects for 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 the environment; and

WHEREAS, ATNI 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 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, the method of enacting the Land Exchange represents dangerous precedent for all of Indian Country and poses to a threat to all existing Native religions and sacred places; 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; now

THEREFORE BE IT RESOLVED that ATNI does hereby reaffirms its commitment to the protection of Native sacred and cultural sites located on federal lands; and

BE IT FURTHER RESOLVED that ATNI urges Congress to enact legislation to repeal the Land Exchange, Section 3003 of the FY15 National Defense Authorization Act; and

BE IT FURTHER RESOLVED that ATNI 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.

CERTIFICATION

The foregoing resolution was adopted at the 2015 Mid-Year Convention of the Affiliated Tribes of Northwest Indians, held at the Kah-Nee-Ta Resort and Spa, Warm Springs, Oregon on May 18-21, 2015, with a quorum present.

Fawn Sharp, President

Norma Jean Louie, Secretary