

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting H.R. 2811, "Save Oak Flat")

RESOLUTION NO. 15-373

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham**
2 **Legislative Council with the power to preserve and cultivate native arts, crafts**
3 **and traditions and to consult with other Indian tribes, the United States**
4 **Congress, and with appropriate federal agencies regarding federal activities**
5 **that affect the Tohono O'odham Nation (Constitution, Article VI, Section 1(c)(8),**
6 **1(f) and 1(j)); and**

7 **WHEREAS, the Tohono O'odham Nation recognizes that copper mining on traditional**
8 **native lands has frequently caused irreversible environmental damage,**
9 **destroyed archeological sites, native habitat, plants, and animals, and severely**
10 **contaminated aquifers and surface water; and**

11 **WHEREAS, the United States government has legal and moral responsibilities to manage**
12 **traditional cultural territories in a way that shows respect for their cultural,**
13 **historical, spiritual and religious importance to Indian tribes and their quality**
14 **of life; and**

15 **WHEREAS, for more than ten years, Congress considered and rejected proposed legislation**
16 **entitled the Southeast Arizona Land Exchange and Conservation Act (the "Land**
17 **Exchange") that proposed a mandatory conveyance of National Forest Service**
18 **lands to Resolution Copper, a foreign-owned mining corporation, to conduct a**
19 **massive and unprecedented block cave copper mining project; and**

20 **WHEREAS, the lands to be conveyed under the Land Exchange lie within the Tonto National**
21 **Forest and are known as "Oak Flat," which are the ancestral homelands of the**
22 **Apache, Yavapai, and other tribes in the region; and**

23 **WHEREAS, the Land Exchange circumvents federal laws that mandate protection of native**
24 **religion and culture and federal laws that mandate protection of the**
25 **environment; and**

26 **WHEREAS, the Tohono O'odham Legislative Council by Resolution No. 11-551, the National**
27 **Congress of American Indians by Resolutions MKE-11-002 and MSP-15-001, the**
28 **Inter Tribal Council of Arizona, the United South and Eastern Tribes, the San**
29 **Carlos Apache Tribe, and other Arizona and New Mexico tribes have opposed the**
30 **Land Exchange because the proposal will destroy the religious and cultural**
31 **integrity of Oak Flat, and set a dangerous precedent for all of Indian Country by**

1 conveying federal lands that encompass a known Apache sacred area to a
2 private company for mining activities; and

3 **WHEREAS,** in the face of this opposition, supporters of the Land Exchange forced a
4 legislative rider onto the FY 2015 National Defense Authorization Act ("NDAA"),
5 which was enacted into law in December 2014 over the strong objections of the
6 San Carlos Apache Tribe and others throughout the nation; and

7 **WHEREAS,** on July 6, 2015, Representative Raúl Grijalva introduced H.R. 2811, "Save Oak
8 Flat Act," which repeals Section 3003 of the Fiscal Year 2015 National Defense
9 Authorization Act, the Southeast Arizona Land Exchange; and

10 **WHEREAS,** the Cultural Preservation Committee recommends supporting the approval of
11 H.R. 2811, "Save Oak Flat Act," which is in the Nation's best interest.

12 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council strongly
13 supports H.R. 2811, "Save Oak Flat Act" for the repeal of Section 3003 of the Fiscal
14 Year 2015 National Defense Authorization Act, the Southeast Arizona Land
15 Exchange.

16 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council reaffirms its position
17 in Resolution No. 11-551 to oppose any and all proposals that would authorize
18 the mining and desecration of Oak Flat and other sacred lands.

19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17TH**
20 **day of SEPTEMBER, 2015 at a meeting at which a quorum was present with a vote of 3,021.4**
21 **FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the**
22 **Council by Article VI, Section 1(c)(8), 1(f) and 1(j) of the Constitution of the Tohono O'odham**
23 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the**
24 **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**
25 **Section 16 of the Act of June 18, 1934 (48 Stat.984).**
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28 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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32 **Timothy Joaquin, Legislative Chairman**

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34 23 day of September, 2015
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1 ATTEST:
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4 *Evonne Wilson*
5 Evonne Wilson, Legislative Secretary

6 22 day of September, 2015
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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 23 day of September, 2015 at 11:24 o'clock, P.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.
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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

15 *Timothy Joaquin*
16 Timothy Joaquin, Legislative Chairman
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22 APPROVED

23 on the 24 day of September, 2015

24 DISAPPROVED

25 at 2:25 o'clock, P.m.
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27 *Edward D. Manuel*
28 EDWARD D. MANUEL, CHAIRMAN
29 TOHONO O'ODHAM NATION
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37 Returned to the Legislative Secretary on the 24 day of

38 September, 2015, at 3:22 o'clock, P.m.
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40 *Evonne Wilson*
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42 Evonne Wilson, Legislative Secretary
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ACTION: SUPPORTING H.R. 2811, "SAVE OAK FLAT ACT")

MOVED: COUNCILMAN ANTHONY J. FRANCISCO JR.

SECOND: COUNCILWOMAN SANDRA ORTEGA

DATE: SEPTEMBER 17, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	183.60	X			
	2. VERNON J. SMITH (<i>Absent</i>) (Gloria Zazueta) (<i>Present</i>)	183.60	X			X
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (<i>Absent</i>) (Patricia Vicenti) (<i>Present</i>)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.3	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.3	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			X
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE (Tony Murrietta)	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Gene Enis)	114.3	X			
	2. RACHEAL VILSON-STONER (<i>Absent</i>) (Olivia Villegas-Liston) (<i>Present</i>)	114.3	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Theresa Donahue)	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ()	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	-0-	[03]