

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting H.R. 1884 and S.915, the Save Oak Flat Act)**

RESOLUTION NO. 21-185

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 and
3 traditions and to consult with other Indian tribes, the United States Congress, and
4 with appropriate federal agencies regarding federal activities that affect the
5 Tohono O'odham Nation (Constitution, Article VI, Section 1(c)(8), 1(f) and 1(j)); and
6 **WHEREAS,** the Tohono O'odham Nation recognizes that copper mining on traditional Native
7 lands has frequently caused irreversible environmental damage, destroyed
8 archeological sites, native habitat, plants, and animals, and severely
9 contaminated aquifers and surface water; and
10 **WHEREAS,** the United States government has legal and moral responsibilities to manage
11 traditional cultural territories in a way that shows respect for their cultural,
12 historical, spiritual and religious importance to Indian tribes and their quality of
13 life; and
14 **WHEREAS,** for more than ten years, Congress considered and rejected proposed legislation
15 entitled the Southeast Arizona Land Exchange and Conservation Act (the "Land
16 Exchange") that proposed a mandatory conveyance of National Forest Service
17 lands to Resolution Copper, a foreign-owned mining corporation, to conduct a
18 massive and unprecedented block cave copper mining project; and
19 **WHEREAS,** the lands to be conveyed under the Land Exchange lie within the Tonto National
20 Forest and are known as "Oak Flat," which are the ancestral homelands of the
21 Apache, Yavapai, and other tribes in the region; and
22 **WHEREAS,** the Land Exchange circumvents federal laws that mandate protection of Native
23 religion and culture and federal laws that mandate protection of the
24 environment; and
25 **WHEREAS,** the Tohono O'odham Legislative Council by Resolution No. 11-551, the National
26 Congress of American Indians by Resolutions MKE-11-002 and MSP-15-001, the
27 Inter Tribal Council of Arizona, the United South and Eastern Tribes, the San
28 Carlos Apache Tribe, and other Arizona and New Mexico tribes opposed the Land
29 Exchange because the proposal will destroy the religious and cultural integrity of
30 Oak Flat, and set a dangerous precedent for all of Indian Country by conveying
31 federal lands that encompass a known sacred area to a private company for
32 mining activities; and
33

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

5 **WHEREAS, H.R. 1884 and companion bill S. 915 would repeal section 3003 of the National**
6 **Defense Authorization Act for Fiscal Year 2015 and have been introduced by**
7 **Representative Raúl Grijalva and Senator Bernie Sanders; and**

8 **WHEREAS, the Agricultural and Natural Resources, Appropriations and Cultural**
9 **Preservation Committees recommend supporting H.R. 1884 and S. 915, the Save**
10 **Oak Flat Act, which is in the Nation's best interest.**

11 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council strongly**
12 **supports H.R. 1884 and S.915, the Save Oak Flat Act and any other legislation**
13 **protecting Oak Flat.**

14 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council reaffirms its position in**
15 **Resolution No. 11-551 and 15-373 and opposes legislation and proposals that**
16 **would authorize the mining and desecration of Oak Flat and other sacred lands.**

17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH**
18 **day of JUNE, 2021 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0-**
19 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
20 **Article VI, Section 1(c)(8), 1(f) and 1(j) of the Constitution of the Tohono O'odham Nation, adopted**
21 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
22 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
23 **Act of June 18, 1934 (48 Stat.984).**

24
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

26 
27
28 **Timothy Joaquin, Legislative Chairman**

29
30 21 day of June, 2021

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33 **ATTEST:**

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36 **Evonne Wilson, Legislative Secretary**

37
38 21 day of June, 2021
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21 day of June, 2021 at 4:00 o'clock, p.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL




Timothy Joaquin, Legislative Chairman

APPROVED

on the 22 day of June, 2021

DISAPPROVED

at 10:30 o'clock, a.m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

June, 2021, at 11:27 o'clock, a.m.



Evonne Wilson, Legislative Secretary

ACTION: SUPPORTING H.R. 1884 AND S.915, THE SAVE OAK FLAT ACT

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: JUNE 14, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia) 2. LUCINDA ALLEN (Francis Homewytewa)	122.8 122.8	X X			
SELLS 556.5	1. ARTHUR WILSON () 2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25 278.25	X X			X
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza) 2. DELISA M. RAMON (Sharon A. Francisco)	95.25 95.25	X X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner) 2. JANICE FELIX (Adam P. Andrews)	121.3 121.3	X X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	121.9 121.9	X X			
PISINEMO 232.7	1. MARIETTA MARTIN () 2. EDWARD D. MANUAL (Monica Morgan)	116.35 116.35	X X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ () 2. SANDRA D. ORTEGA (Absent) (Delma M. Garcia) (Present)	108.3 108.3	X X			
GU VO 270.7	1. GRACE MANUEL () 2. DALLAS LEWIS ()	135.35 135.35	X X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN () 2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25 139.25	X X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez) 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8 175.8	X X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone) 2. LEANDER MASE (Francine Schooling)	194.45 194.45	X X			
	TOTAL	3,218.0	3,218.0	-0-	-0-	[01]