

RESOLUTION
OF THE
PAPAGO COUNCIL

RES. NO. 1008

WHEREAS, Congress closed the Papago Reservation to mineral entry by Public Law 47, and the Gila Bend and San Xavier Reservations have never been open to mineral entry, and

WHEREAS, The Papago Council has been authorized to enter into mineral leases under Section 4 of Article V of the Papago Constitution, by letter of Acting Secretary of the Interior, Hatfield Chilson, dated March 1, 1957, which states in part, "Under the authority granted me by Section 4, Article V, the Papago Tribal Council is delegated and granted the power to take such measures as are permitted to 'Tribal Councils' for developing mineral resources on Indian Reservations under 25 CFR 186 'Leasing of Tribal lands for mining' as may be amended from time to time. This delegation will continue until such time as it may be revoked by this office.", and

WHEREAS, In order to encourage mining companies and individuals to prospect on the Reservation and enter into mining leases, it is necessary to set up practical, uniform procedures for issuing prospecting permits and mineral leases in conformity with Federal Regulations, and

WHEREAS, If each application for a prospecting permit or a mineral lease must be approved individually first by the District Council of the District involved and then by the Tribal Council, the resulting confusion and delay will seriously impede the issuance of these permits and leases to the financial disadvantage of the Papago people, and

WHEREAS, It is without question that one-half of any revenue accruing from the use of the surface of the land will go to the District in which the land is located and one-half to the Tribe, but the minerals underlying Tribal land are the property of all the members of the Tribe and, therefore, all income resulting therefrom should go to the Tribe.

THEREFORE, LET IT BE RESOLVED by the Papago Tribal Council that the Chairman of the Papago Tribal Council is hereby authorized to recommend to the Superintendent of the Papago Agency that prospecting permits and/or mineral leases be issued on Papago Tribal land in conformity with applicable Federal Regulations, and that the Chairman be authorized to sign such permits and leases for and on behalf of the Papago Tribe. PROVIDED, That prospecting permits shall be issued to members of the Papago Tribe without charge, unless the member is employed by, or in partnership with or acting for a non-member, in which case he shall pay the fees charged non-members.

BE IT FURTHER RESOLVED, That all mineral leases of Tribal land shall expressly reserve to the Tribe the right to lease, sell, or otherwise dispose of the surface of the lands in such leases, such disposition to be subject to the right of the lessee to use as much of the surface as is necessary in the extraction and removal of the minerals from the leased lands; and all mineral leases shall further provide that the surface of the land used as a campsite by a lessee shall be leased at an annual rental of not less than \$50.00 per acre or fraction thereof as provided by Ordinance 15, one-half of such campsite

revenue to accrue to the District and one-half to the Tribe; all mineral leases shall further provide that a lessee will not locate a campsite on any land assigned by a District Council to a member of the Papago Tribe for beneficial use and occupancy, except on the recommendation of the appropriate District Council, and the lessee will not locate a campsite within three hundred feet of any well, charco, spring, corral, and cemetery, or within 1,500 feet of any established village.

BE IT FURTHER RESOLVED, That all other revenues accruing from mineral leases and prospecting permits shall accrue to the Papago Tribe.

BE IT FURTHER RESOLVED, (1) That prospecting permits may (a) be either exclusive or non-exclusive, (b) that they may or may not carry an option to lease, and (c) that they may be advertised for competitive bid, or negotiated or sold for a set fee, and (2) That mining leases may either be advertised for competitive bid or may be negotiated. The alternative used in each individual case under Nos. 1 and 2 above shall be at the discretion of the Chairman of the Papago Tribal Council and the Superintendent of the Papago Agency.

BE IT FINALLY RESOLVED, That any original provisions of Ordinance 15 which are in conflict with this resolution shall be set aside in the issuance of prospecting permits or the making of mineral leases.

On July 18, 1958 the foregoing resolution was duly enacted by the Papago Tribal Council with a vote of 17 for and 1 against, pursuant to authority vested in it by Article V - Section 4 of the Constitution and by-laws of the Papago Tribe of Arizona. This resolution is effective as of the date of its approval by the Superintendent of the Papago Agency and is subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

BY: Mark Kamel
Mark Kamel, Chairman

ATTEST:

Virginia R. Jose
Virginia R. Jose, Secretary

APPROVED: _____

Harry W. Gilmore, Superintendent