



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #REN-13-019

**TITLE: In Opposition to the Conveyance of Federal Lands to Foreign Mining Interests with Sacred and Cultural Significance to Tribes, including H.R. 687 and S. 339**

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**WHEREAS**, we, the members of the National Congress of American 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 the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the United States government has legal and moral responsibilities to manage traditional cultural territories, on and off reservation trust lands, in a way that respects sacred places that hold cultural, historical, spiritual, and religious importance to tribes; and

**WHEREAS**, actions pursued by public and private entities that destroy Native cultural resources and impair the ability to practice traditional and religious beliefs through desecration of our sacred places and objects, and that sever the physical and spiritual connections to land that are fundamental to our cultural identities; and,

**WHEREAS**, for the past eight years Members of Congress have introduced legislation to convey certain federal lands in Arizona known as 'Oak Flat' to be developed by foreign mining interests absent tribal consultation by appropriate federal agencies; and

**WHEREAS**, these legislative proposals would destroy many irreplaceable sacred and cultural resources important to the Apache tribes and others in the region, and eliminate the federal protections of the environment, including the National Environmental Protection Act and the National Historic Preservation Act, among others; and

**WHEREAS**, federal preserves and national parks have typically included areas that are considered sacred places and places of worship, as well as areas where traditional medicinal plants, endangered species, and other ceremonial and cultural aspects exist; and

**WHEREAS**, the NCAI adopted Resolution # PHX-08-069C, *NCAI Policy Statement on Sacred Places*, which recognized that, “sacred landscapes that are integral to the exercise of Indian religions are being destroyed and are under threat by development, pollution, recreation, vandalism and other public and private actions”; and

**WHEREAS**, Resolution #PHX-08-069C established the following as NCAI’s policy statement regarding the protection and preservation of sacred places: a) Urge Congress to enact a statutory right of action for tribes to defend sacred places, b) Update Executive Order 13007, *Indian Sacred Sites*, and all consultative instruments, c) Ensure federal agency consultation with tribes to evaluate and implement specific sacred places policies, d) Establishment of a federal policy for cultural surveys prior to any transfer or issuance of permits, e) Strengthen the Native American Graves Protection and Repatriation Act, and d) The appointment of Native people to federal land management and decision-making entities; and

**WHEREAS**, tribal delegates have adopted previous NCAI Resolutions, #MKE-11-002, #PDX-11-001, and #SAC-12-006 in opposition to the transfer of federal lands for mining purposes that would destroy Native American sacred and cultural places due to the proposed exchange of and destruction to Native American sacred and cultural sites, as well as adverse impacts to the surrounding environment and the depletion of the region’s water supply

**WHEREAS**, the Oak Flat region is culturally affiliated with several tribes, and lies within traditional territory of the *T’iis Tseban* (Gray Among the Rocks with Cottonwoods) Band of the *Nnee* (Western Apache); and contains natural and cultural resources, and Holy Sites vital to the welfare of traditional Apaches, including *Chich’il Bildagoteel* (Oak Flat); and

**WHEREAS**, while the current Western Apache Reservations comprise only less than a third of traditional *Nnee* territory, the remainder of this territory contain important natural and cultural resources, places, and Holy Sites of paramount importance to traditional Apaches and other tribes; yet these off-Reservation lands, are quickly becoming developed and damaged, resulting in the loss of more and more important Apache cultural resources, and

**WHEREAS**, amount to special interest legislation by foreign mining conglomerates Rio Tinto and BHP Billiton to destroy the many irreplaceable resources important to traditional Apaches and other Native peoples and their tribes, while also eliminating the federal nexus of protection for the environment including the National Environmental Protection Act; and

**WHEREAS**, many Apache elders have in their lifetimes witnessed the massive loss of traditional lands and the living things within them, and teach us that this loss is directly linked to the many serious and almost overwhelming social problems in our communities, and that the destruction of *Chich’il Bildagoteel* would be yet one more loss in an inexorable march to develop and destroy the natural world of Apache Country.

**NOW, THEREFORE, BE IT RESOLVED**, that NCAI affirms its commitment to the protection of sacred places including lands that are within reservation trust lands, traditional ancestral lands, and lands held by the federal government in federal preserves and national parks, and shall be consistent with Resolution #PHX-08-069C; and

**BE IT FURTHER RESOLVED**, that this Resolution shall replace #MKE-11-002, #PDX-11-001, and #SAC-12-006 as NCAI continues to support and advocate on behalf of the Apache tribes and others in the southwest region of Arizona for the protection of 'Oak Flat' from foreign mining interests, and NCAI will continue to oppose any and all legislation introduced or reintroduced in the present and subsequent sessions of Congress related to this issue; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary