

**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

RESOLUTION 11-42

WHEREAS, the Mescalero Apache Tribe, an Indian Tribe organized under the Indian Reorganization Act of June 18, 1934, (25 U.S.C. § 476) and under its Revised Constitution has full power to act for the Tribe; and

WHEREAS, the Mescalero Apache Tribal Council has the power to represent the Tribe and act in all matters that concern the welfare of the Tribe pursuant to Article XI, Section 1(i) of the Revised Constitution; and

WHEREAS, H.R. 1904, entitled "Southeast Arizona Land Exchange and Conservation Act of 2011", would approve a federal land exchange to transfer to the ownership of Resolution Copper over 2,400 acres of federal lands located within the Tonto National Forest for purposes of an unprecedented block cave copper mine; and

WHEREAS, the federal lands which are proposed to be exchanged, which are generally known as Oak Flat, are within the ancestral lands of certain Indian tribes, and these lands are of unique religious, cultural, traditional, and archeological significance to tribes in this region; and

WHEREAS, H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal which was expressly set aside from mining by President Eisenhower in 1955 due to the lands value for recreation and other important purposes; and

WHEREAS, the mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for tribes affiliated with the area, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and

WHEREAS, the block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the religious and historic terrain at Apache Leap, Oak Flat, and Gaan Canyon, as well as in the surrounding country side; and

WHEREAS, the mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its wake long term and in some cases, permanent religious, cultural and environmental damage; and

WHEREAS, the National Congress of American Indians (NCAI), the Inter-Tribal Council of Arizona, the United South and Eastern Tribes, the San Carlos Apache Tribe and other Arizona and New Mexico tribes have opposed this land exchange due to the harm to religious, cultural, archeological, and historic resources, as well as the environmental consequences to the land from the proposed mining activities.

NOW, THEREFORE, BE IT RESOLVED, the Mescalero Apache Tribe strongly opposes H.R. 1904: Southeast Arizona Land Exchange and Conservation Act of 2011.

BE IT FURTHER RESOLVED, that the Tribal President is expressly authorized to take any and all actions necessary to accomplish the intent of this Resolution.

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CERTIFICATION

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 9th day of August 2011, at legally called session of the Mescalero Apache Tribal Council, by a vote of 7 for and 0 against, with 0 abstaining at which quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.



Mark R. Chino, President



Pamela Cordova, Secretary Pro Tem