



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution PSP-09-088c

TITLE: Hualapai's Opposition to Uranium Exploration and Mining on Sacred Land and Sensitive Sites

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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 Hualapai Reservation encompasses approximately one-seventh of the aboriginal territory of the Hualapai Tribe, and many places outside the Reservation boundary hold religious, cultural, and historic significance for the Hualapai people; and

WHEREAS, many places that hold religious, cultural, and historic significance for the Hualapai people are located on land that are currently managed by various federal agencies of the federal government, including but not limited to the areas within the Kaibab National Forest, Bureau of Land Management and National Park Service; and

WHEREAS, the Hualapai Tribe considers the entire Colorado Plateau, Northern Arizona, specifically Grand Canyon from rim to rim to be culturally significant landscape which includes hundreds of particular places that hold religious and cultural significance; and

WHEREAS, the Federal Government has responsibilities, both legal and moral, to manage public lands in a way that shows proper respect for places that hold religious and cultural and historical importance to Indian tribes; and

WHEREAS, uranium exploration and mining cause many adverse humanitarian and environmental impacts that are inconsistent with the management of public lands for the preservation of the integrity of places that hold tribal religious historical and cultural significance; and

WHEREAS, the federal law known as the 1872 Mining Law is an anachronism; under this law the federal governmental gives away valuable natural resources to private companies, with the mining claims of those private companies taking precedence over other public interests, including the public interest in preserving places that hold religious and cultural importance for Indian tribes; and

WHEREAS, the 1872 Mining Law was enacted during the “robber baron” era of American history; in the historical context of the relations between the Hualapai Tribe and the United States, the 1872 law was enacted at about the same time as two traumatic events in Hualapai history; the war that the U.S. Army fought against the Hualapai people from 1866 to 1868 and the forced removal of many of the Hualapai people to La Paz in 1874; and

WHEREAS, during the Administration of President Clinton, the Solicitor for the Department of the Interior issued a legal opinion that federal land managing agencies do have discretion to deny permission to develop mining claims, in effect, if the costs associated with mitigating damage to the environment, cultural resources and ethereal belief of a tribe would render the extraction of the minerals not economically viable (Solicitor, “Regulation of Hardrock Mining,” M-36999 (Dec. 27, 1999)), the Bush Administration issued a Solicitor’s opinion that reached a contrary conclusion (Solicitor, “Surfaced Management Provisions for Hardrock Mining,” M37007 (Oct. 23, 2001)); and

WHEREAS, the Department of the Interior has proposed the withdrawal of nearly one million acres of federal land in the Grand Canyon watershed from new mining claims under the 1872 Mining Law, and action that would put these lands off limits for mineral exploration and extraction for twenty years, and which has the immediate effect of putting these lands off limits for two years while the Secretary of the Interior considers whether to make the proposed withdrawal final; and

WHEREAS, various federal agencies have invited public comment on proposed uranium explorations and uranium mining within areas apparently not covered by the Secretary’s proposed withdrawal.

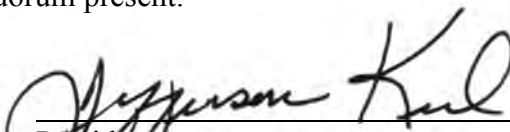
NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the Hualapai Tribe’s strong opposition on proposed exploratory drilling and uranium mining;

1. Commends the Secretary of the Interior for the proposed withdrawal of federal lands from claims under the 1872 Mining Law and calls for the Secretary to make a final decision to proceed with the withdrawal;
2. Opposes proposals by uranium mining companies to conduct exploratory drilling for uranium within the jurisdiction of various federal land managing agencies;
3. Calls upon the Secretary of the Interior to conduct a review of Solicitor’s opinions on the regulations of Hardrock mining;
4. Supports efforts in Congress to repeal or substantially amend the 1872 Mining Law;
5. Opposed exploration for uranium and uranium mining without Hualapai tribal approval on all Hualapai ancestral lands including lands under the sovereign authority of the Hualapai Tribe; and

BE IT FURTHER 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 2009 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center in Palm Springs, California on October 11-16, 2009, with a quorum present.



President

ATTEST:



Recording Secretary