



Resolution No. 05-2006-169

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

(Opposing Proposed Exploitation of Apache Leap, Oak Flat and Devil's Canyon)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, inter alia, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, for generations our elders have taught of the sacredness of *dobe' cho da'szin* (known as "Apache Leap"), *chich'il bil nagosteel* (now known as "Oak Flat campground"), and the surrounding springs, streams, mountains, oak forests, and canyons, and their vital importance for maintaining the integrity of our Apache cultural and historical traditions; and

WHEREAS, these geographical entities are essential to the continued practice of physical and spiritual healing by Apache Medicinemen and women, and to their apprenticeship as competent traditional religious specialists for all Apaches; and

WHEREAS, the sites – including but not limited to the area now called *Gaan bikoh* ("Devil's Canyon") watershed and stream – "Oak Flat" and "Apache Leap" are essential for the continued traditional Apache religious beliefs and the practice of physical and spiritual healing by Apache Medicinemen and women, and to their apprenticeship as competent traditional religious specialists; and

WHEREAS, "Apache Leap" is the historical landmark site where over 75 Apache defenders and freedom fighters were forced to their deaths over that cliff by the U.S. Cavalry in the 19th Century; and

WHEREAS, any human-caused alteration of the present form of this landmark constitutes a display of profound disrespect for a cherished feature of the Apache's original homeland as well as a serious violation of Apache traditional, historical and religious beliefs; and

WHEREAS, the San Carlos Apache people have not been fully informed or properly consulted concerning the proposed mining activities and consequent destruction of "Apache Leap", "Oak Flat" and the "Devil's Canyon" watershed and springs and watercourses; and

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WHEREAS, the Constitution of the United States guarantees all citizens with the right to freely exercise their religion which necessarily includes their use of sacred and historical cultural sites and locations free from infringement; and

WHEREAS, the American Indian Religious Freedom Act guarantees Indian people unimpeded use of such sacred sites and locations; and

WHEREAS, the Presidential Executive Order 13007 (“Indian Sacred Sites”) mandates that federal land management agencies shall protect the physical integrity of Indian sacred sites; and

WHEREAS, the federal government agencies have not consulted with us in good faith as required by the National Historic Preservation Act; and

WHEREAS, the federal trust responsibility to the Apaches prohibits the federal government, including the U.S. Congress, from going forward with any actions or undertakings that would adversely affect these sacred Apache landmarks and cultural and religious sites; and

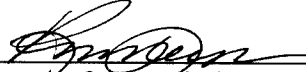
WHEREAS, the Tribal Council finds that the proposed destruction of “Apache Leap”, “Oak Flat” and the “Devil’s Canyon” watershed will directly cause the desecration and destruction of fundamental aspects of the traditional historical and spiritual life of the Apaches and our sacred sites.

NOW BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

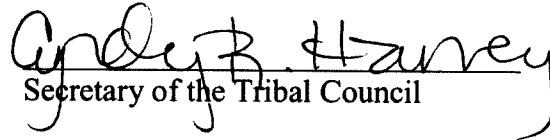
1. The White Mountain Apache Tribe hereby opposes establishment of the Rio Tinto/Resolution Copper Company’s copper mine , or any such desecration or destructive activity underneath “Apache Leap”, the “Devil’s Canyon” watershed of sacred springs and waters, and any interference with the Apache people’s traditional use of the “Oak Flat” traditional cultural and religious sites and acorn gathering locations.
2. The Tribe stands ready to defend the basic human rights of its people, including but not limited to the protections of the U.S. Constitution and other federal laws, if the impermissible and unacceptable proposals continue to be perpetrated by the U.S. Forest Service and other agencies of the federal government and the U.S. Congress and the Rio Tinto/Resolution Copper Company.
3. The Chairman, or in his absence the Vice-Chairwoman, is hereby authorized to undertake any and all necessary actions to oppose the RioTinto/Resolution Copper Company’s proposed copper mine.

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The foregoing resolution was on May 17, 2006 adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Sections 1 (a), (c), (f), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council