



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #ABQ-19-049

TITLE: Support for the Reform of the 1872 Mining Law, and other Similar Statutes Regulating the Extraction or Harvest of Minerals and Other Resources to Protect Sacred Sites and Water Resources

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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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 1872 Mining Law was nearly written 150 years ago and still governs the mining of hardrock minerals such as gold, silver, copper, uranium and other metals; and

WHEREAS, the 1872 Mining Law favors hardrock mining over all other land uses, effectively limiting the ability of the Department of Interior to balance mining with competing uses, including the protection of sacred sites; and

WHEREAS, according to the U.S. Environmental Protection Agency (EPA), hardrock mining is the number one source of toxic pollution and pollutes 40% of Western headwaters; and

WHEREAS, the 1872 Mining Law has insufficient environmental standards which do not adequately protect water or wildlife habitats; and

WHEREAS, current law creates no independent dedicated funding source to clean up the estimated 500,000 abandoned mines in the United States and if not remediated, these mines will otherwise forever threaten both public health and safety, and will cost an undetermined amount of money to clean-up; and

WHEREAS, the 1872 Mining Law poses a serious threat to tribal sacred sites, water, cultural resources, traditional properties, and lifeways; and

WHEREAS, NCAI has supported past specific legislation to reform the 1872 Mining Law in #DEN-07-011 “Support of H.R. 2262: Hardrock Mining and Reclamation Act of 2007.”

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon Congress to pass comprehensive legislative reform of the 1872 Mining Law that would prevent the extraction of mineral and other resources that would impact tribal sacred places as well as habitat supporting traditional food resources on public lands; include robust consultation procedures that ensure government-to-government consultation takes place at the beginning stages of a planning process; provide Freedom of Information Act exemptions and other protections for tribal knowledge that is shared in order to identify important and sacred locations; and

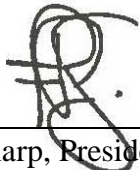
BE IT FURTHER RESOLVED, that reform of the 1872 Mining Law should include provisions to facilitate the consultation and collaboration described above and complement other federal laws applicable to the federal government’s trust responsibility to tribal nations and their sacred resources; and

BE IT FURTHER RESOLVED, NCAI calls upon Congress to establish independent dedicated funding to remediate the estimated 500,000 abandoned mines in the United States, which will otherwise forever threaten both public health and safety, and will cost an undetermined amount of money to clean-up; and

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

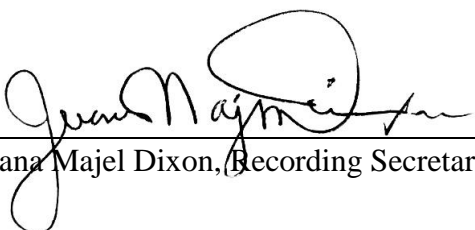
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary