UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ZUNI TRIBE; UTE MOUNTAIN UTE TRIBE; HOPI TRIBE, *Plaintiffs*, v. DONALD J. TRUMP, in his official capacity as President of the United States; DOUG BURGUM, in his official capacity as Secretary of the Interior; STEVAN PEARCE, in his official capacity as Director of the Bureau of Land Management; BROOKE ROLLINS, in her official capacity as Secretary of Agriculture; TOM SCHULTZ in his official capacity as Chief of the U.S. Forest Service, *Defendants*.	Case No. 26-cv-4092

COMPLAINT
INTRODUCTION

1. This case is about President Trump's latest attempt to revoke Bears Ears National Monument (the "Monument" or "BENM"). Falling within the homelands of the

Plaintiff Tribal Nations ("Plaintiff Nations" or "Plaintiffs"), the Bears Ears region is a living landscape. The iconic twin Bears Ears buttes—the namesake of the Monument—are just one sacred part of the Bears Ears region which the Hopi, Ute, and Zuni call home. Bears Ears' canyons and mesas hold the dwellings, granaries, ceremonial sites, rock writing, burial grounds, and gathering places of the ancestors of the Plaintiff Nations, who have lived on and cared for the Monuments' lands since time immemorial. It continues to facilitate many cultural and religious practices, subsistence gathering and hunting, and communion with ancestors. For the Plaintiff Nations and their members, Bears Ears is not a scenic backdrop or a reserve of minerals to be counted and extracted. It is a homeland, church, pharmacy, and library at once—an unbroken record of who they are and where they come from.

2. The Antiquities Act was enacted precisely to protect places like Bears Ears. Indeed, Bears Ears itself helped spur the passage of the Act over a century ago. The House Report accompanying the Act identified the "numerous ruins" of the Bluff District in San Juan County, Utah, and the "important relics of ancient 'basket makers'" along "Montezuma Creek, Recapture Creek, Cottonwood Creek, Butler Wash, Comb Wash, and Grand Gulch," that the President would be empowered to protect. Prehistoric Ruins on Public Lands, H.R. Rep. No. 3704, at 5 (1905).

3. Initially, Presidents failed to use their power under the Antiquities Act to confer on the Bears Ears region the Antiquities Act protection it required. Ten years ago, that changed. At the urging of Plaintiff Nations and two other tribal governments (collectively, the "Tribal Nations"), President Obama established the Bears Ears

National Monument, protecting approximately 1.35 million acres of the Bears Ears region, and sharing stewardship over the Monument with the Tribal Nations through a body called the Bears Ears Commission ("Commission" or "BEC"). The Commission, composed of elected officers from each of the Tribal Nations, gave the Tribal Nations active roles, alongside the U.S. Bureau of Land Management ("BLM") and the U.S. Forest Service ("Forest Service"), in the management of their ancestral homelands.

4. In 2017, President Trump issued a proclamation ("2017 Dismantling Proclamation") attempting to revoke Bears Ears National Monument. Plaintiff Nations, along with others, challenged that proclamation in suits still pending before this Court. But President Biden restored and strengthened the Monument's protections in 2021.

5. In the four years following President Biden's proclamation, the Tribal Nations, through the Commission, collaborated with the agencies to create a resource management plan ("RMP"), which developed rules for management of the Monument. The RMP repeatedly recognizes the critical role of the Commission in providing Tribal expertise and knowledge to ensure the protection of the many objects of cultural and scientific importance within the Monument. The RMP emphasizes the ongoing importance of the Tribal Nations to implementing the RMP and managing the Monument.

6. Now, however, President Trump has tried again to revoke Bears Ears National Monument and undermine the Tribal Nations' unique role in the Monument's management. On July 13, 2026, the President issued a new proclamation ("2026

Dismantling Proclamation") purporting to revoke Bears Ears. This time, President Trump claimed to revoke protections for roughly 91% of the Monument, purportedly shrinking it from approximately 1.36 million acres down to two units comprising just 121,100 acres. As for the Commission, President Trump went further than his previous proclamation by purporting to abolish the Commission and eliminate the obligation to consult with the Tribal Nations, undoing the government-to-government relationships that the Tribal Nations and federal agencies had spent years cultivating.

7. President Trump's first proclamation was unlawful, because President Trump had no power to issue it. The Antiquities Act grants the President a single, carefully bounded authority: to protect areas like Bears Ears by *declaring* national monuments. It says nothing—not one word—about *revoking* such protections. The power to shrink or dissolve a national monument, like the power to dispose of federal land itself, belongs to Congress alone—a limit the Executive Branch's own lawyers recognized for nearly ninety years, and one Congress reaffirmed when it reserved that authority to itself in the Federal Land Policy and Management Act of 1976.

8. The 2026 Dismantling Proclamation is unlawful in the same ways as the 2017 Dismantling Proclamation, but on a larger scale. And the federal agencies' actions vis-à-vis the Commission in response to the 2026 Dismantling Proclamation give rise to additional claims for failing to follow the established RMP—including, importantly, rules requiring the Commission's involvement in implementing those plans.

9. Plaintiffs thus bring this challenge against the 2026 Dismantling Proclamation and against the agency actions purporting to implement it. Plaintiffs respectfully ask the

Court to declare Defendants' actions unlawful and to enjoin the federal agencies from implementing the 2026 Dismantling Proclamation.

JURISDICTION AND VENUE

10. This action arises under the Antiquities Act and Articles I, II, and IV of the United States Constitution. This action also arises under sections 701 through 706 of the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701-706. Jurisdiction is therefore proper pursuant to 28 U.S.C. § 1331 (federal question jurisdiction).

11. This Court also has jurisdiction pursuant to 28 U.S.C. § 1362, which provides that "district courts shall have original jurisdiction of all civil actions, brought by any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States."

12. Defendants lack sovereign immunity because their actions giving rise to this suit were *ultra vires*. The APA also waives sovereign immunity for this action. 5 U.S.C. § 702.

13. This Court has authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201-2202 and its inherent authority to issue equitable relief. Injunctive relief is also authorized for claims under sections 705 through 706 of the APA.

14. Venue is proper pursuant to 28 U.S.C. § 1391 because the Defendants reside in this judicial district and because a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

PLAINTIFFS

15. Plaintiff ZUNI TRIBE is a sovereign Tribal Nation, recognized by the United States,

with lands located in Arizona and New Mexico. 91 Fed. Reg. 4102, 4105 (Jan. 30, 2026). The Zuni Tribe maintains a government-to-government relationship with the United States. The Zuni signed treaties with the United States in 1850 and 1851. The Zuni reservation was established by executive order in 1877.

16. Plaintiff UTE MOUNTAIN UTE TRIBE is a sovereign Tribal Nation, recognized by the United States, with lands located in Utah, Colorado, and New Mexico. 91 Fed. Reg. at 4105. The Ute Mountain Ute Tribe maintains a government-to-government relationship with the United States. The Ute Tribes signed treaties with the United States in 1849, 1863, and 1868, and the Ute Mountain Ute signed another treaty establishing its reservation in 1878.

17. Plaintiff HOPI TRIBE is a sovereign Tribal Nation, recognized by the United States, with lands located in Arizona. 91 Fed. Reg. at 4104. The Hopi Tribe maintains a government-to-government relationship with the United States. The Hopi reservation was created by executive order in 1882.

DEFENDANTS

18. Defendant DONALD J. TRUMP is sued in his official capacity as President of the United States. He currently resides and performs his duties in Washington, D.C.

19. Defendant DOUG BURGUM is sued in his official capacity as the Secretary of the Interior of the United States. In that capacity, he is responsible for ensuring that the Department of the Interior and its constituent agencies, including BLM, comply with the 2026 Dismantling Proclamation's direction and requirements regarding the

management of Bears Ears. Secretary Burgum performs his duties in Washington, D.C.

20. Defendant STEVAN PEARCE is sued in his official capacity as the Director of the Bureau of Land Management within the Department of the Interior. In that capacity, he is responsible for ensuring that BLM complies with the 2026 Dismantling Proclamation's direction and requirements regarding the management of Bears Ears. Director Pearce performs his duties in Washington, D.C.

21. Defendant BROOKE ROLLINS is sued in her official capacity as the Secretary of Agriculture. In that capacity, she is responsible for ensuring that the Department of Agriculture and its constituent agencies, including the Forest Service, comply with the 2026 Dismantling Proclamation's direction and requirements regarding the management of Bears Ears. Secretary Rollins performs her duties in Washington, D.C.

22. Defendant TOM SCHULTZ is sued in his official capacity as Chief of the Forest Service within the Department of Agriculture. In that capacity, he is responsible for ensuring that the Forest Service complies with the 2026 Dismantling Proclamation's direction and requirements regarding the management of Bears Ears. The Chief of the Forest Service performs his duties in Washington, D.C.

23. Collectively, Donald J. Trump, Doug Burgum, Stevan Pearce, Brooke Rollins, and Tom Schultz are "Defendants"; Doug Burgum, Stevan Pearce, Brooke Rollins, and Tom Schultz are "Agency Defendants"; and Brooke Rollins and Tom Schultz are "Forest Service Defendants."

24. Defendants have the authority, ability, and obligation to remedy the harms to Plaintiff

Nations.

BACKGROUND

I. Overview of Native American Connections to Bears Ears

25. "Rising from the center of the southeastern Utah landscape and visible from every direction are twin buttes so distinctive that in each of the native languages of the region their name is the same: Hoon'Naqvut, Shash Jáa, Kwiyagatu Nukavachi, Ansh An Lashokdiwe, or 'Bears Ears.'" Proclamation No. 9558, 82 Fed. Reg. 1139, 1139 (Dec. 28, 2016) ("2016 Designating Proclamation"); *see generally* Proclamation No. 10285, 86 Fed. Reg. 57321 (Oct. 15, 2021) ("2021 Restoration Proclamation"). Below is a picture of the Bears Ears buttes formation.



26. The buttes are emblematic of the larger Bears Ears region. Many Native Americans and tribal nations, including Plaintiffs and their members, have profound historic,

cultural, and spiritual ties to Bears Ears and the more than 100,000 historic landmarks, structures, and historic and scientific objects located within Bears Ears. BLM, Bears Ears National Monument Proposed RMP and Final Env't Impact Statement, vol. 1 at 3.3.3 at 3-4 (2024) ("FEIS");[1] *see also* Robert S. McPherson, *A History of San Juan County: In the Palm of Time* (1995).

27. Plaintiffs and their members trace their ancestry back millennia to the ancient peoples who have populated the region since time immemorial. Their presence is manifested in the migration routes, ancient roads, great houses, villages, granaries, hogans, wikiups, sweat lodges, corrals, tipi rings, shade houses, pueblos, kivas, rock paintings, petroglyphs, pictographs, and cliff dwellings that continue to dominate the Bears Ears landscape today.

28. The Zuni, for instance, are tied to the Bears Ears region because it "holds immense importance for all the Pueblo people'[s] identity and history." Zuni Tribal Council, Permanent Protection of Bears Ears Region through National Monument Designation, Res. No. M70-2016-P014, at 1 (Mar. 7, 2016) ("2016 Zuni Resolution"), https://www.bearsearscoalition.org/wp-content/uploads/2016/03/M70-2016-P014-Bears-Ears-Designation-7MAR2016.pdf. The Bears Ears physical landscape (*Ansh An Lashokdiwe*) is part of the traditional Zuni cultural landscape, which covers all of the territory crossed by their ancestors during migrations to the Middle Place

[1] The BLM and Forest Service document repository, including this FEIS and the Resource Management Plan ("RMP") associated with Bears Ears National Monument, are *available at* https://eplanning.blm.gov/documents/?id=96d264cd-a7f2-f011-8406-001dd80ef717&spid=2be9277f-a8f2-f011-8407-001dd80db62a.

(*Halona I'tawana*)—the fixed point around which the entire world is organized. Tony Hillerman et al., *Middle Place*, UNM University Libraries, https://ehillerman.unm.edu/1968#sthash.n6PtaIom.dpbs (last visited Nov. 10, 2026). Zuni origin history reflects the depth of the connection the Zuni people have to Bears Ears and is physically reflected in areas like ancestral rock marking locations. The historical and cultural topics expressed in rock markings include clan identification, boundary negotiations, year counts, political positions and statuses, personal signatures and insights, deities, animal tracking, and communications intended for descendants. These and other natural resources located within Bears Ears are still "necessary for traditional and spiritual practice." 2016 Zuni Resolution, at 1.

29. Similarly, the continued collection and use of resources from ancestral areas enables Hopi people to remain connected to the traditions and lands used by their ancestors. Petroglyphs, artifacts, landmarks, and landforms in Bears Ears help Hopi people verify their clan histories, so visitation to Bears Ears is essential for Hopi people and members to preserve their ties to this area. Although many clans have specific ties to the Bears Ears area because of their migration histories, this landscape is significant to all Hopi people.

30. The well-maintained kivas from the *Hisatsinom*—the People of Long Ago—exemplify the important cultural and spiritual connection that specific objects within Bears Ears provide to the Hopi and Zuni. Ancestral kivas, like those of today, were entered by a ladder stretching from the roof down to the center of the floor. *See Ancestral Sites Tour-Pueblo Ceremonial Room*, National Park Service,

https://www.nps.gov/places/ancestral-sites-tour-pueblo-ceremonial-room.htm (last visited Nov. 10, 2026). Below is a picture of a kiva in the Cedar Mesa region of Bears Ears. *Bears Ears Monument Timeline*, Durango Herald (Dec. 28, 2016), https://www.durangoherald.com/articles/news/bears-ears-monument-timeline/.



31. Kivas are still used in Pueblo ceremonies today. *See Ancestral Sites Tour-Pueblo Ceremonial Room*, *supra*. Many kivas are designed with specific elements, including a small hole in the floor (*sipapu*). This element symbolizes "the Pueblo people's emergence from the underworld." *Id.* As one court noted, the "kivas are the focal point of all religious activity in the Hopi Villages." *Navajo Nation v. U.S. Forest Serv.*, 408 F. Supp. 2d 866, 894 (D. Ariz. 2006), *aff'd in part, rev'd in part and remanded*, 479 F.3d 1024 (9th Cir. 2007), *and aff'd on reh'g en banc*, 535 F.3d 1058 (9th Cir. 2008). Thus, maintaining and preserving the ancestral kivas in Bears Ears is of utmost importance

to the Hopi and Zuni, as well as other descendants of the Ancestral Puebloans.

32. Ancient roads within Bears Ears are likewise tied to the Hopi and Zuni, who are well known for their migration throughout the region. *Nat. Arch and Bridge Soc'y v. Alston*, 209 F. Supp. 2d 1207, 1211 (D. Utah 2002) (discussing Hopi migration through San Juan County); *see Navajo Nation*, 479 F.3d at 1041 (discussing the migrations). The Hopi and Zuni maintain traditional and historic stories, passed down from clan to clan, about their migration that are integral to their culture and religion. *Zuni Tribe of New Mexico v. United States*, 12 Cl. Ct. 607, 616 (Cl. Ct. 1987) ("The ancient ties of Zuni people to their land is presently manifest in the tribal oral tradition about Zuni origin and migration and in the physical artifacts representing the archaeological history of Zuni culture."); Canyon Farmers, National Parks Service History eLibrary, http://npshistory.com/publications/nava/index.htm (describing the sacred migration paths of Hopi clans).

33. The Ute Mountain Ute Tribe also has deep ties to Bears Ears. The aboriginal territory of the Ute covered an extensive area of land in what are now the states of Colorado, Utah, New Mexico, and Arizona. FEIS, vol. 1 at 3-5. This included much of Bears Ears.

34. The Bears Ears region—*Kwiyagatu Nukavachi*—is known as the place where bears first come out of their winter hibernation. This event is significant to the traditional Bear Dance, during which various Ute bands would gather to camp in the spring and share songs created or practiced over the winter to show respect for the spirit of the bear. Historically and to this day, the Ute Bear Dance, which is a spring ceremony symbolic

of nature's awakening, is performed in areas in and around Bears Ears.

35. Utes derive traditional knowledge from certain petroglyph panels within Bears Ears for their Bear Dances, thus necessitating the protection of those petroglyphs.

36. Over millennia, the Ute people also developed traditions and histories that recorded sources of water and food and the proper ways to treat and process these resources. FEIS, vol. 1 at 3-5. The Ute still use the Bears Ears area for hunting, foraging, and fishing, and to gather materials for medicinal, spiritual, and other uses.

37. In addition to their traditional ties to the Monument, the Utes have property interests tied to the Monument. The Ute Mountain Ute and many of its members hold public lands grazing permits and allotment lands there. *Id.* And the Ute Mountain Ute has reservation land in Utah near Bears Ears. It thus benefits from the economic development that preservation of Bears Ears provides. Tri-Ute Council, Support for Presidential Designation of the Bears Ears National Monument to Protect Cultural, Historical, and Natural Resources on Federal Lands in San Juan County, UT, Joint Inter-Tribal Res. No. 16-001, at 1 (June 14, 2016), https://www.bearsearscoalition.org/wp-content/uploads/2016/06/TriUte Reso6132016-1.pdf.

II. The Designation of Bears Ears National Monument

38. Because of their deep and continuing ties to Bears Ears and their obligation to serve as its stewards, Plaintiff Nations endeavored to secure protections for the Bears Ears region for many decades. That effort accelerated in the 2010s, when Plaintiff Nations began proposing and advocating for monument status for Bears Ears.

39. Their effort bore fruit. On December 28, 2016, President Obama proclaimed Bears Ears a national monument pursuant to the Antiquities Act. President Obama made this decision because of the historic and scientific objects the Monument contains, their importance to Plaintiff Nations, and the near-constant threats of exploitation and damage to those objects. *See generally* 2016 Designating Proclamation.

40. The 2016 Designating Proclamation described in detail the geological, paleontological, archaeological, historical, cultural, and ecological significance of Bears Ears and the landmarks and objects to be protected therein. *Id.* at 1139-43. The 2016 Designating Proclamation reserved 1.35 million acres of land that the President determined was necessary for the proper care and management of the objects of historic and scientific interest to be protected. *Id.* at 1143.

41. While the area is important to all Americans, the 2016 Designating Proclamation specifically recognized that "the land is profoundly sacred to many Native American tribes, including" the Ute Mountain Ute Tribe, Hopi Tribe, and Zuni Tribe. *Id.* at 1139.

42. The 2016 Designating Proclamation included specific provisions that are essential to the protection of Bears Ears and Plaintiffs' cultural and spiritual connection to the many historic and scientific objects within Bears Ears. *Id.* at 1143-44.

43. The 2016 Designating Proclamation also protected against looting, giving warning "to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof." *Id.* at 1145.

44. Critically, in recognition "of the importance of tribal participation to the care and management of the objects [in Bears Ears], and to ensure that management decisions

affecting the monument reflect tribal expertise and traditional and historical knowledge," the 2016 Designation Proclamation established the "Bears Ears Commission" to "provide guidance and recommendations on the development and implementation of management plans and on management of the monument." *Id.* at 1144. The Commission consists of "one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe." *Id.*

45. The Commission gives the Tribal Nations a government-to-government seat at the table to provide substantial, meaningful, and continuous input on management of the Monument and how to more effectively protect the immensely important historic, scientific, and cultural objects within Bears Ears. Overall, the 2016 Designating Proclamation directed the Secretaries to work with the Commission or a comparable tribal entity, on a government-to-government basis, "to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge." *Id.* at 1144.

46. The 2016 Designating Proclamation directed the Secretaries to "meaningfully engage" the Commission in the development of a management plan and subsequent management of the monument, and to "carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Commission." *Id.* If the Secretaries "decide not to incorporate specific recommendations" of the Commission, they must "provide the Commission . . . with a written explanation of their reasoning." *Id.*

III. President Trump's First Attempt to Revoke Bears Ears as a National Monument and Replace it with Monument "Units"

47. On December 4, 2017, President Trump purported to revoke Bears Ears National Monument and replace it with two much smaller "units," Indian Creek and Shash Jáa, removing protection from tens of thousands of cultural and archaeological sites within some 1.1 million contiguous acres. 82 Fed. Reg. 58085, 58085 (Dec. 8, 2017).

48. Plaintiff Nations and others sued President Trump over the 2017 Dismantling Proclamation in December 2017. That action, *Hopi Tribe v. Trump*, No. 1:17-cv-02590-TSC (D.D.C.), remains pending before this Court.

IV. President Biden's Restoration of Bears Ears

49. In October of 2021, President Biden issued a proclamation restoring Bears Ears National Monument. 2021 Restoration Proclamation, 86 Fed. Reg. at 57321.

50. President Biden's Proclamation declared monument protections for lands and objects spanning approximately 1.36 million acres. The Proclamation restored protections to all lands covered by the 2016 Designating Proclamation.

51. The 2021 Restoration Proclamation built on the 2016 Designating Proclamation, describing Bears Ears as holding a "unique density of significant cultural, historical, and archaeological artifacts spanning thousands of years," including ancient cliff dwellings, large villages, granaries, kivas, towers, ceremonial sites, prehistoric steps cut into cliff faces, and a prehistoric road system connecting the people of Bears Ears to each other and beyond. 2021 Restoration Proclamation at 57321, 57327. It identified objects of great historic, cultural, and scientific significance to the Tribal Nations

throughout the Monument's subregions—among them the Bears Ears Buttes, Indian Creek, Beef Basin, the Blue Mountains, Cottonwood Canyon, Elk Ridge, Cedar Mesa, and Grand Gulch, which likely holds the highest concentration of Ancestral Pueblo sites on the Colorado Plateau. *Id.* at 57323-30. These places "facilitate the practice of traditions and serve as a mnemonic device that elders use to teach younger generations where they came from, who they are, and how to live." *Id.* at 57323.

52. Acknowledging the "importance of knowledge of Tribal Nations about these lands and objects and participation in the care and management of the objects identified," President Biden also "reestablished" the Bears Ears Commission "in accordance with the terms, conditions, and obligations set forth" in the 2016 Designating Proclamation, including the federal obligations to consult with it or a comparable tribal entity. *Id.* at 57332.

V. Implementation of the 2021 Restoration Proclamation

53. Following the 2021 Restoration Proclamation, the Commission and the agencies jointly prepared an RMP for the Monument. *See generally* BLM, Bears Ears National Monument Record of Decision and Approved RMP (Jan. 2025) ("BLM ROD"), *available at* https://eplanning.blm.gov/documents/?id=96d264cd-a7f2-f011-8406-001dd80ef717&spid=2be9277f-a8f2-f011-8407-001dd80db62a; Forest Service, Bears Ears National Monument Record of Decision, § 3 at 2, and Attachment 3 (Jan. 2025) ("Forest Service ROD"), *available at* https://eplanning.blm.gov/documents/?id=96d264cd-a7f2-f011-8406-001dd80ef717&spid=2be9277f-a8f2-f011-8407-001dd80db62a. There are minor

formatting differences in how the RMP appears in the BLM and Forest Service RODs, but they are substantively the same.

54. The RMP requires the agencies to collaborate with the Commission, or a comparable tribal entity, on the site-specific, implementation-level management that follows the plan and on any future maintenance or amendment of the plan, and state that this ongoing collaboration "is necessary for the agencies to manage BENM consistent with Proclamation 10285 and the protection of BENM objects." Bears Ears ROD, § 2.3.1.1 at 27. Moreover, the RMP commits the agencies to meet with the Commission annually to develop a joint annual work plan, to annually review the plan and the status of its implementation, and to quarterly collaborate and consult on land management priorities, implementation-level decision-making, and upcoming federal actions and authorizations. *Id*., § 2.3.1.2 at 28-29. They further require the agencies to notify the Commission at least fifteen business days before initiating an implementation-level project and to provide a written explanation at least thirty days in advance if they decline to incorporate the Commission's recommendations. *Id*., § 2.3.1.2 at 28.

55. The RMP emphasizes resource protection and the use of Traditional Indigenous Knowledge and perspectives in the stewardship of the Bears Ears landscape. *See generally* Bears Ears ROD and Forest Service ROD.

56. Following issuance of the RMP, Plaintiff Nations continued to invest resources into the Commission to implement the RMP. Plaintiff Nations helped identify culturally sensitive areas to protect and restore, reviewed proposed activities to ensure their compatibility with protection of the Monument, and provided education for

Monument visitors. These efforts required Plaintiff Nations to invest significant financial and personnel resources.

VI. Plaintiff Nations' Request for Consultation Before Executive Action

57. Amid implementation of the RMP, word spread that the new Trump Administration had plans to take executive action to reduce the Monument yet again.

58. Consistent with the RMP, on March 25, 2025, the Commission sent a letter to Secretary Burgum requesting a meeting before any executive action was taken regarding the Monument.

59. On June 23, 2025, Bill Groffy, then the BLM Acting Director, responded to the Commission's March 25 letter. He promised to contact the Commission and Tribal leaders for a meeting should the United States consider changes to the boundaries, management, or designation of the Monument. No such consultation ever occurred. However, the Commission and the agencies continued to collaborate to implement the RMP until July 13, 2026.

VII. President Trump's Second Attempt to Revoke Bears Ears

60. On July 13, 2026, President Trump issued Proclamation No. 11043, purporting to again revoke Bears Ears National Monument. Proclamation No. 11043, 91 Fed. Reg. 45169 (July 13, 2026).

61. The 2026 Dismantling Proclamation's purported reasoning was tied to examining several non-statutory "factors." These included "uniqueness," "resources available," "nature of protection needed," "protection provided by . . . other laws," and whether the lands are "better suited for other non-monument uses." *Id.* at 45169.

62. In purporting to shrink the monument boundaries, the 2026 Dismantling Proclamation excludes roughly 91% of the lands protected by the 2021 Restoration Proclamation, diminishing even the monument boundaries purportedly established by the 2017 Dismantling Proclamation.

63. As with the 2017 Dismantling Proclamation, the 2026 Dismantling Proclamation purports to create two units with monument protections, this time consisting of just 121,096 acres of land, about 80,000 acres less than under the 2017 Dismantling Proclamation.

64. In its drastic reduction of the Monument, the 2026 Dismantling Proclamation contradicts its own reasoning. In one breath, it claims that lithic scatters, petroglyphs, and pictographs are not worthy of Monument protections, as they are found across the American West and are not unique to the Bears Ears region. 91 Fed. Reg. 45171. Just a page later, though, it claims the new units must be protected because they contain an abundance of cultural and archeological objects spanning thousands of years of human history, *including lithic scatters, petroglyphs, and pictographs*. *Id.* at 45171.

65. The 2026 Dismantling Proclamation provided that sixty (60) days from the date of the Proclamation's issuance, the unreserved lands would be opened to, *inter alia*, entry, location, sale, and other disposition for mining and mineral and geothermal leasing.

66. The Proclamation goes even further to encourage maximal vehicle use, for any purpose, in the Monument. Namely, it directs the agencies to "prepare a new transportation plan that endeavors to maximize public access to the Monument"; invites the agencies to allow "motorized and non-motorized vehicle use on roads and

trails designated for such use immediately before the [2016 Designating Proclamation]"; and allows the agencies to "designate for motorized vehicle use roads and trails that were not designated for such use prior to the [2016 Designating Proclamation], regardless of the purpose of that use." *Id.* at 45174.

67. Finally, the 2026 Dismantling Proclamation claims the Commission is immediately "disbanded and terminated" and that the Secretaries have no obligation to engage, consult, or coordinate with the Commission or a comparable tribal entity. It purports to replace the Commission with a new federal advisory committee, a non-tribal body that does not engage in government-to-government relations with the United States and has none of the procedural and substantive rights of the Commission.

VIII. The Agencies' Decision to End Consultation with the Bears Ears Commission

68. On July 15, 2026, just two days after the 2026 Dismantling Proclamation, the agency personnel with whom the Commission had been collaborating on Monument management told the Tribal Nations' Commissioners that the agencies would no longer recognize the Commission or engage with the Commission in implementation of the RMP or management of the Monument. Instead, the agency personnel said they would only work with individuals representing their respective Tribal Nations, and only as part of the federal advisory committee established by the 2026 Dismantling Proclamation or for Tribal consultation on historic properties pursuant to section 106 of the National Historic Preservation Act ("NHPA"). The agency personnel stated that any portions of the RMP implicating involvement of the Commission were

"overridden" by the 2026 Dismantling Proclamation.

69. On July 16, 2026, the same agency personnel further demonstrated they would no longer recognize or work with the Commission. The Commission and the agencies had planned a meeting for July 16 to engage in Monument management activities, including convening at an incident command center to monitor ongoing wildfires in the Monument and riding a proposed off-highway vehicle ("OHV") route for a special recreation permit ("SRP") for an all-terrain vehicle ("ATV") rally the Commission had been reviewing. Although the agency personnel and Tribal Nation representatives who served on the Commission appeared for the meeting, the agency personnel refused to work with the Tribal Nation representatives as the Commission.

70. On August 4, 2026, the Tribal Nations sent a letter to Agency Defendants requesting the agencies fulfill their obligations to consult with the Commission. The letter asked for Agency Defendants' response prior to August 12, 2026, so that the matter could be resolved prior to the next monthly meeting scheduled for August 20, 2026.

71. Agency Defendants did not respond to the letter. Instead, on August 7, 2026, Jared Lundell, BLM Archeologist for the Monticello Field Office, emailed a cancellation of the standing Microsoft Teams invite that had been used to fulfill the RMP requirement for regular meetings with the Commission. Mr. Lundell's cancellation included a message explaining the cancellation was "due to the changes in the proclamation."

72. Agency Defendants have thus decided that they will not fulfill the obligations in the RMP to consult with the Commission and work with it on Monument management activities. This includes a mandatory quarterly meeting that was scheduled to occur

by the end of October 2026 but never took place. *See, e.g.*, BLM ROD § 2.3.1.2 at 29 (requiring quarterly meetings "to collaborate and consult on Tribal Nations' land management priorities, public land resource issues, opportunities for joint Tribal-federal program development, BEC participation in implementation-level decision-making processes, and landscape-level management issues and to provide awareness of upcoming federal actions and authorizations"). It also includes Agency Defendants' obligations to convene the annual review of the RMP and develop a joint annual work plan. *See id.*

IX. The Forest Service's Work on a 95,000-Acre Post-Fire Project in the Monument Without Notice to and Collaboration with the Commission

73. On June 26, 2026, lightning ignited the Babylon Fire in the Abajo Mountains southwest of Monticello, Utah. Before it was contained, the fire burned approximately 107,189 acres, including portions of Elk Ridge, the Dark Canyon Wilderness, and Forest Service lands within the Monument.

74. The Commission had been engaged in the agencies' response to the fire. As alleged above, the Commission and the agencies had planned to convene for fire-monitoring activities at an incident command center on July 16, 2026, and agency personnel refused that day to work with the Tribal Nations' representatives as the Commission.

75. Four days later, on July 20, 2026, a Forest Service Burned Area Emergency Response ("BAER") team began assessing the burned area to identify post-fire threats to "critical natural or cultural resources," and to recommend emergency measures in response. U.S. Forest Serv., U.S. Dep't of Agric., *Babylon Fire Area Summary Burned Area Report* at

1 (2026) https://bearsearspartnership.org/images/pdfs-doc/BabylonBAER_PublicReport.pdf. The team completed its field assessment on July 28, 2026. *Id.* It evaluated cultural resources in the burned area; identified threats to cultural sites from erosion, falling trees, looting, and vandalism; and proposed treatments for those sites along with closures of areas and trails. *Id.* at 5-6. The Forest Service reports that the team "worked closely with San Juan County, the city of Monticello, the State of Utah, the National Weather Service, and other partners." *Id.* at 1. Yet the Forest Service did not notify the Commission of the assessment or the treatments it proposed, and did not offer the Commission an opportunity to collaborate on them.

76. The Forest Service continued its response to the fire by initiating the Babylon Post-Fire Recovery Project, Project No. 438123 ("Babylon Project"), covering approximately 95,160 acres of the burned area. The Babylon Project prescribes recovery activities, including salvage and harvesting of dead and damaged trees and of trees judged likely to die within five years; non-mechanical and mechanical fuels reduction; grading, draining, and reconstruction of roads; construction of temporary roads; repair, reconstruction, and relocation of trails; and reforestation. *See generally* Forest Serv., U.S. Dep't of Agric., *Babylon Post-Fire Recovery Project: Draft Finding of No Significant Impact* (ELMS No. 438123, Oct. 20, 2026) ("FONSI"), https://www.fs.usda.gov/r04/manti-lasal/projects/438123.

77. The Babylon Project area lies within the boundaries of the Monument per the 2021 Proclamation but outside of the boundaries as declared by the 2026 Dismantling Proclamation.

78. The RMP requires that "[a]t least 15 business days prior to initiating an implementation-level project in BENM, the agencies will provide initial notification to the BEC and provide an opportunity to collaborate via email." BLM ROD, § 2.3.1.2 at 29; Forest Service ROD Attachment 3 at 3.

79. If the Commission elects to participate, the agencies "will provide a schedule that includes the time frames for the BEC to provide input" as part of each internal review stage and before the final decision is issued, and "will provide notice to the BEC at least 15 business days before each internal review stage and before the final decision is issued." *Id.*

80. If the decisionmaker declines to adopt the Commission's written recommendations, the agencies "will provide the BEC written explanation at least 30 days prior to issuing the document" on which the recommendations were made, and the Commission may, within 15 days, request a meeting with the Forest Service regional forester or BLM state director to discuss any disagreement. *Id.*

81. The RMP further provides that the agencies "will collaborate with the BEC, or a comparable Tribal representative body, on the site-specific implementation-level management that follows" the RMP. BLM ROD § 2.3.1.1. at 27; Forest Service ROD Attachment 3 at 3.

82. On October 20, 2026, the Forest Service released a draft decision and draft finding of no significant impact for the Babylon Project, with comments due November 3, 2026. U.S. *See generally* FONSI. The draft decision provided that implementation would begin no sooner than November 6, 2026. *Id*. at 4.

83. At no time—not fifteen business days before initiating the Babylon Project, not before any internal review stage—did the Forest Service notify the Commission of the Babylon Project or offer it an opportunity to collaborate, as the RMP required.

84. The Forest Service did not collaborate with the Commission in developing the stipulations, design criteria, or contract terms governing the Babylon Project's discretionary activities, or in planning the Babylon Project's road, temporary-road, and trail work.

85. Had the Forest Service provided the notice and opportunity to collaborate the RMP requires, the Commission would have brought the Tribal Nations' Traditional Indigenous Knowledge to bear on the design of the Babylon Project, including for protection and preservation of immensely important cultural and natural resources in the burn area.

86. For example, the Babylon Project's promotion of using salvaged wood for commercial timber production, rather than making wood available to Tribal members for ceremonial practices and subsistence uses. FONSI, at 6. This is inconsistent with the RMP, which requires trees be handled to help meet the needs of Tribal Nations and their communities, including providing them with fuelwood and wood products, and

requires these purposes take priority over timber production for commercial sale. Forest Service ROD Attachment 3 at 17.

X. Plaintiff Nations' Injuries

87. In issuing and implementing the 2026 Dismantling Proclamation, Defendants have caused, are causing, and threaten to cause further harm to Plaintiff Nations and their members. None of these injuries can be remedied with money damages, and Plaintiff Nations therefore have no adequate remedy at law.

A. The Proclamation Has Removed the Monument's Protections and Set Harmful Activity in Motion

88. The 2021 Restoration Proclamation and the RMP, informed by the Commission's knowledge and expertise, protected the Monument against oil and gas exploration and development, hard-rock mineral location, underregulated OHV use, vandalism and looting, and reckless recreation. *See generally* 2021 Restoration Proclamation. The 2026 Dismantling Proclamation attempts to sweep those protections away from roughly 91% of the Monument.

89. The 2026 Dismantling Proclamation most immediately does that with respect to the mining protections, which the Proclamation purports to already have stripped away. The excised lands hold potential uranium, oil and gas, and potash reserves that extractive companies have targeted for development.

90. Since September 11, 2026, according to the terms of the 2026 Dismantling Proclamation, the excised lands have been open to location, entry, and patent under mining laws without the protections of the 2016 Designating Proclamation and 2021

Restoration Proclamation. As a result, nothing now stands between a claimant and the ground. Under the General Mining Act of 1872, a prospector needs no permit or other prior authorization from BLM or any other agency to locate a claim and enter the land. A claimant may engage in "casual use" activities without any prior approval. 43 C.F.R. § 3809.10(a). And a claimant may undertake "notice-level" activities—defined as "causing surface disturbance" on up to five acres—after sending BLM notice of its plans. 43 C.F.R. §§ 3809.10(b), 3809.21(a), 3809.312(a), 3809.605(b). The resumption of even these activities disturbs surface soils and can destroy objects that are hundreds or thousands of years old and in fragile condition.

91. Mining on the excised lands is not hypothetical. Industry actors began attempting to stake claims even before September 11, 2026—among them Kyle Kimmerle, a miner who challenged the 2021 Restoration Proclamation. Hannah Northey & Ian M. Stevenson, *Miners Stake Claims After Trump Shrinks Utah Monuments*, E&E News (Aug. 18, 2026), https://www.eenews.net/articles/miners-stake-claims-after-trump-shrinks-utah-monuments/. Litigants in that challenge swore that, absent the Monument's protections, they would proceed with new mining claims and the development of existing ones. Decl. of Kyle Kimmerle ¶ 18, *Dalton v. Biden*, consolidated with *Garfield Cnty. v. Biden*, No. 4:22-cv-00059 (Jan. 26, 2023), Dkt. No. 90-7.

92. Experience confirms what will follow. Between February 2, 2018, when the lands excluded by the 2017 Dismantling Proclamation opened to location, and October 8, 2021, when the 2021 Restoration Proclamation restored protections, claimants located

at least twenty new mining claims on those lands, claims the 2016 Designating Proclamation would have prohibited. Kimmerle Mining LLC, for example, located the "Easy Peasy" claim near Cheese and Raisins and Whiskers Draw in October 2018. In February 2019, Kimmerle began uranium and vanadium mining there under a mere notice, using heavy equipment to excavate and remove materials and leaving waste rock, machinery, and other debris behind. Monument status would have barred that notice-level activity altogether, and it would have required a plan of operations and a validity determination before any mining could proceed. Kimmerle also located uranium claims, which it calls "Geitus," near Natural Bridges National Monument, on lands BLM has acknowledged contain Pueblo-era habitation structures. Even after the 2021 Restoration Proclamation, BLM has treated the claims located during that period as valid existing rights.

93. Those claims sit in areas that threaten Plaintiff Nations' cultural and spiritual patrimony and practices, subsistence gathering, and other traditional and contemporary uses. The 2026 Dismantling Proclamation threatens the same harms across roughly 91% of the lands the 2021 Restoration Proclamation protected.

94. Indeed, the harm has already begun. On September 11, 2026, the first day the excised lands opened to location, claimants recorded new mining claims on those lands with the San Juan County Recorder.

95. The claims have multiplied since. By September 28, 2026, it has been reported at least 72 new claims had been located on the excised lands. As of today, on information and belief, 148 claims have been recorded. On each of these claims, under the 2026

Dismantling Proclamation, the claimant may now begin the casual-use and notice-level activities without BLM's prior approval.

96. Mining on the excised lands also threatens contamination that reaches well beyond the claims themselves. Uranium mining exposes radioactive and heavy-metal-bearing rock and leaves ore and waste rock on the surface. From there, wind carries dust, and rain and flash floods carry sediment, into the soils, washes, springs, and seeps that nearby communities and Plaintiff Nations' members depend.

97. The 2026 Dismantling Proclamation's other impacts will soon occur as well. The RMP's remaining protections—including the OHV designations, closures, and use restrictions developed with the Commission—have not yet been amended or withdrawn and remain in force. But the Proclamation directs the Secretaries to displace them, and Agency Defendants have begun implementing the Proclamation.

98. For instance, on the more than one million acres it excises, the 2026 Dismantling Proclamation directs the agencies to maximize motorized access, including on roads and trails never before designated for it. OHV use has long wrought havoc on cultural heritage and archaeological sites across the Bears Ears landscape. Bears Ears Inter-Tribal Coal., *Proposal to President Barack Obama for the Creation of Bears Ears National Monument* 9 (Oct. 15, 2015), Bears-Ears-Inter-Tribal-Coalition-Proposal-10-15-15.pdf ("Bears Ears Proposal").

99. The 2026 Dismantling Proclamation also will lead to vandalism, looting, and grave robbing—historically among the most destructive activities at Bears Ears—by removing monument status, the legal protections, and the enforcement attention that

accompany it. More than a dozen looting cases were reported between May 2014 and April 2015 alone, ranging from "small-scale theft to ancestral remains being tossed around when graves are plundered"; "[t]hese deplorable acts defile the past and wound the present," which for Plaintiff Nations "is so directly connected to the past." Bears Ears Proposal at 35. Removal of monument protections thus subjects countless cultural, archaeological, and paleontological resources of cultural, religious, historical, and scientific importance to Plaintiff Nations to harm through resumed collection, vandalism, looting, and grave robbing.

100. In sum, mining, oil and gas, and other extractive activity purportedly authorized by the 2026 Dismantling Proclamation, together with the OHV use, looting, and collecting the Proclamation invites, will cause:

a. Contamination of nearby communities and their water supplies and soils, leading to health hazards and negative health outcomes;

b. direct damage, disturbance, and destruction of traditional use areas, sacred places, and objects of importance to Plaintiff Nations' ways of life;

c. disturbance of graves, including Native American human remains and funerary objects;

d. destruction or prevention of cultural and spiritual uses by Plaintiff Nations and their members, whether through physical destruction or through visual, auditory, olfactory, and other sensory interference with practices that require tranquil and undisturbed surroundings;

e. loss of access to traditional use areas, sacred places, and objects of

importance to Plaintiff Nations' ways of life, where hazardous conditions make visitation impracticable or dangerous;

f. losses in the quantity and quality of vital water sources in an arid region where clean water is increasingly scarce;

g. the disappearance of the physical markers of Plaintiff Nations' historic relationship with the landscape, diminishing their members' use and enjoyment of it.

B. Injuries to Plaintiff Nations' Sovereign and Proprietary Interests

101. These harms will not just impact Bears Ears itself. They will injure Plaintiff Nations' sovereign and proprietary interests.

102. *First*, Defendants have deprived Plaintiff Nations of their role in the management of their own ancestral homelands through the Bears Ears Commission.

103. The Bears Ears Commission is composed solely of elected officers of the Tribal Nations and is an important institutional form of their government-to-government relationship with the United States as to this landscape. As alleged above, the 2026 Dismantling Proclamation declared the Commission "disbanded and terminated," and Agency Defendants have refused to recognize or work with the Commission, cancelled meetings required by the RMP, and refused to follow through with planned monument-management activities. That injury compounds with every decision made about the Monument without the Tribal Nations at the table—decisions Agency Defendants now make without the Tribal Nations' knowledge and expertise, on which the RMP's protection of the Monument's objects depends.

104. This harm also results from the effective revocation of the Monument, independently of the Commission's purported disbandment. The effective revocation of the Monument strips Plaintiff Nations of any secured right in the management of the excised lands. On those lands, that management role now rests only on the RMP that the Proclamation directs them to replace. Even if consultation resumed with the Commission or a comparable tribal entity as to the 2026 monument units, Plaintiff Nations would still have no secured right in the management of the excised lands: not to advance notice of federal undertakings, not to a written explanation when their recommendations are set aside, and not to meetings on at least a quarterly basis to set management priorities. This injury is distinct from the purported termination of the Commission and would persist even if the Commission were reconstituted tomorrow, because Defendants would treat a reconstituted body's proclamation-based role as limited to the 121,096 acres the 2026 Dismantling Proclamation retains.

105. Preventing Plaintiff Nations from stewarding Bears Ears directly harms their sovereign interests. Each Plaintiff Nation's own law makes the protection of its cultural patrimony a responsibility of its government. The Hopi Constitution tasks the Tribal Council with the duty "to protect the arts, crafts, traditions, and ceremonies of the Hopi Indians." Const. of the Hopi Tribe art. VI, § 1(k), Exhibit A. The Ute Mountain Ute Tribal Council has passed three resolutions regarding Bears Ears to fulfill its "responsib[ility] for protecting and promoting the natural, cultural, traditional and archeological resources of the Tribe[.]" *See* UMUT Resolution Exhibit B, March 9, 2016; UMUT Resolution Exhibit C, December 21, 2016 (designating representatives of the

Tribe on the Bears Ears Inter-Tribal Coalition); UMUT Resolution Exhibit D, June 28, 2022 (authorizing and approving the Bears Ears Inter-Tribal Coalition Land Management Plan for Bears Ears). The Zuni Constitution, likewise, charges the Tribe with the protection of Zuni culture. Zuni Tribe Const. art. XVIII, Exhibit E. Defendants' conduct disables each Plaintiff Nation from discharging a duty its own law imposes.

106. Stripping Plaintiff Nations of their stewardship role also causes them financial harm. Defendants' actions have forced Plaintiff Nations to shift leaders, staff, and funds to a separate body created by the Tribal Nations—the Bears Ears Inter-Tribal Coalition—to do the work the Commission was supposed to do.

107. *Second*, Defendants' conduct threatens the environmental integrity of Plaintiff Nations' own lands and the health of their communities. Plaintiff Nations' lands lie in proximity to the excised lands, so contamination from mining and oil and gas development can spread beyond the mining claims themselves onto Tribal lands and into Tribal communities—impacting water supplies, soils, and on-reservation communities alike. These harms cut to the heart of Plaintiff Nations' sovereign interests in the environmental integrity of their lands and the health and wellbeing of their members.

108. The harm to the Ute Mountain Ute Tribe is illustrative. Uranium mining in and around Bears Ears has long had a severe impact on the Ute Mountain Ute and its members. Uranium mined from the excised lands is likely to be refined at the White Mesa Mill in Blanding, Utah—the only fully licensed conventional uranium mill in the United

States—which sits within a few miles of the Tribe's White Mesa community. Trucks carry ore to the Mill on routes passing beside that community; carcinogenic microparticles come loose in transit, are inhaled, and contaminate water and soils, causing elevated rates of lung disease and cancer. The Tribe has fought the Mill's contamination of its homelands for decades. Opening more than one million acres to mining is expected to increase operations at the Mill and to multiply the volume of uranium moving through the Tribe's communities, compounding those harms. Abandoned uranium mines also carry elevated radiation that causes lung and bone cancer and impaired kidney function from radionuclides in drinking water.

109. *Third*, in the case of the Ute Mountain Ute, Defendants' actions will harm property interests. The Ute Mountain Ute and its members hold allotments and grazing permits on lands the 2026 Dismantling Proclamation purported to excise from the Monument. The uses to which the Tribe and its members put those lands are directly impaired by the changed land uses in the Monument.

C. Injuries to Plaintiff Nations' Members

110. The 2026 Dismantling Proclamation and Agency Defendants' precipitating illegal conduct also harm Plaintiff Nations' members. Each of Plaintiff Nations has identified tribal members who have traveled to, and intend return to, the excised lands to conduct ceremonies; to hunt, fish, and gather plants, minerals, and water for medicinal and ceremonial use; to care for cultural resources; to pray; to visit ancestors; and to teach younger generations, among other things. The activities the Proclamation has set in motion will damage and destroy the places and objects on which those

practices depend, interfere with and defeat the practices themselves, and expose the members who engage in those practices to contamination and hazardous conditions.

111. Indeed, Plaintiff Nations' members have already experienced harm and will experience further harms from Agency Defendants' handling of the Babylon burn area without the Bears Ears Commission. Agency Defendants imposed emergency response measures in the area via the BAER without consulting and collaborating with the Bears Ears Commission and were thus insufficiently informed to protect and preserve cultural and natural resources upon which Plaintiff Nations' members rely for cultural, spiritual, and subsistence practices.

112. Agency Defendants are poised to perpetuate this harm to a much greater extent over the near 100,000-acre burn area with the Babylon Project, which was, like the BAER, designed without the Commission's participation. The Project's design and plans, such as building new roads and using destructive mechanized methods for tree removal, will interfere with or even defeat Tribal member cultural and spiritual practices by destroying and polluting vegetation, trees, waters, and other materials they use for such things as spiritual offerings and to make regalia for ceremonies. Plaintiff Nations' members will be deprived of wood for ceremonial and subsistence purposes, given the Project's prioritization of using salvaged wood for commercial timber production. Were Agency Defendants fulfilling their legal obligations to consult and collaborate with the Commission, they would have the benefit of the

Commission's Traditional Indigenous Knowledge to craft and carry out a more careful recovery plan.

FIRST CLAIM FOR RELIEF – MONUMENT REVOCATION

Antiquities Act, 54 U.S.C. § 320301 (All Defendants)

113. Plaintiffs re-allege and incorporate by reference the allegations in paragraphs 1 through 112.

114. The U.S. Constitution gives Congress the "Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." U.S. Const. art. IV, § 3, cl. 2.

115. The U.S. Constitution does not vest the President or the Executive Branch with any authority over federal land.

116. The President and the Executive Branch may therefore only exercise authority over federal land to the extent delegated by Congress.

117. Congress delegated limited powers over federal lands to the President in the Antiquities Act. President Trump exceeded his delegated authority in the Antiquities Act when purporting to revoke Bears Ears as a national monument. 54 U.S.C. § 320301.

118. The Antiquities Act empowers the President only to declare national monuments. 54 U.S.C. § 320301(a). It does not delegate power or authorize the President to revoke or undeclare them once designated, either in whole or in part.

119. The Antiquities Act empowers the President only to reserve lands as part of monuments. It does not delegate the power to remove those lands from a monument. *Id*. § 320301(b).

120. In issuing his 2026 Dismantling Proclamation, President Trump acted in contravention of the authority delegated to the President under the Antiquities Act. 54 U.S.C. § 320301. President Trump purported to revoke the lawful establishment of the Monument and to replace it with two different, much smaller monument units, and thereby reduce the public lands reserved as part of the Monument. In doing so, he also purported to remove monument protections for tens of thousands of objects in 1.2 million acres of the Monument, including numerous objects specifically identified in the 2021 Restoration Proclamation.

121. As a result, President Trump's purported revocation of the Monument via the 2026 Dismantling Proclamation is *ultra vires* executive action subject to non-statutory review. The steps Agency Defendants have taken and will take to implement the 2026 Dismantling Proclamation's revocation of the Monument are likewise *ultra vires* executive action subject to non-statutory review.

SECOND CLAIM FOR RELIEF – MONUMENT REVOCATION

U.S. Constitution, Article IV, Section 3, Clause 2, and Article I, Sections 1 and 7 — Separation of Powers (All Defendants)

122. Plaintiffs re-allege and incorporate by reference the allegations in paragraphs 1 through 112.

123. The Constitution gives Congress the power over federal lands. U.S. Const. art. IV, § 3, cl. 2. The Constitution likewise gives the lawmaking power to Congress alone. "All legislative Powers herein granted shall be vested in a Congress of the United States,"

U.S. Const. art. I, § 1, and a bill becomes law only after it passes both Houses and is "presented to the President of the United States," *id.* art. I, § 7, cl. 2.

124. The President has no inherent constitutional authority over federal lands. He may reserve federal lands, dispose of them, or make rules for them only to the extent Congress has delegated that power to him by statute.

125. In the Antiquities Act, Congress delegated to the President the power to declare national monuments and to reserve federal lands as part of them. 54 U.S.C. § 320301. Congress did not delegate the power to revoke a national monument, or to shrink the land reserved for it, once the monument is created. That power remains with Congress alone.

126. No statute authorizes the 2026 Dismantling Proclamation. The Proclamation purports to remove more than one million acres from Bears Ears National Monument. It also purports to open those lands to uses forbidden by the Monument's reservation, including location and entry under the mining laws. In issuing it, the President usurped Congress's power under the Property Clause to dispose of federal property and to make the rules that govern it. He thereby acted beyond constitutional authority and violated the separation of powers.

127. Because the 2026 Dismantling Proclamation rests on no lawful authority, the Agency Defendants have no authority to implement it. Their actions to carry out the purported revocation of the Monument, including treating the excised lands as open to location and entry under the mining laws, are thus likewise beyond constitutional authority and violate the separation of powers.

THIRD CLAIM FOR RELIEF – MONUMENT REVOCATION

Administrative Procedure Act, 5 U.S.C. § 551 *et seq.* (All Agency Defendants)

128. Plaintiffs re-allege and incorporate by reference the allegations in paragraphs 1 through 112.

129. The APA provides a cause of action to any person "adversely affected or aggrieved by agency action," 5 U.S.C. § 702, and makes final agency action reviewable, *id.* § 704. A reviewing court must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or "in excess of statutory jurisdiction, authority, or limitations." *Id.* § 706(2)(A), (C).

130. President Trump had no lawful authority to revoke the Monument or shrink its boundaries. The 2021 Restoration Proclamation therefore remains in effect, and Agency Defendants remain bound by it across the full, 1.36-million-acre Monument.

131. Since President Trump issued the 2026 Dismantling Proclamation, Agency Defendants have made a final decision to implement its purported revocation of the Monument, rather than the 2021 Restoration Proclamation, going forward. That decision marks the consummation of Agency Defendants' decision making and is a decision from which legal consequences flow.

132. Upon information and belief, Agency Defendants have carried out that decision, and are violating and will continue to violate the 2021 Restoration Proclamation, by:

a. removing signs and public markers that delineate the Monument boundaries set by the 2021 Restoration Proclamation, thereby inviting development and mining claims on the lands the 2026 Dismantling

Proclamation excluded;

b. managing the excluded lands as available for mineral exploration and development under the General Mining Act of 1872;

c. recording new hard rock mining claims located in the excluded lands, which the 2021 Restoration Proclamation prohibits, treating those claims as valid, and allowing mining activity on them to move forward;

d. allowing development on existing mining claims to move forward without the restrictions and protections required for claims on national monument lands;

e. developing and implementing a monument management plan that incorporates the 2026 Dismantling Proclamation's purported revocation of the Monument's boundaries; and

f. failing to recognize and work with the Bears Ears Commission or a comparable entity.

133. Agency Defendants' actions implementing the President's purported revocation of the Monument are arbitrary, capricious, not in accordance with law, and in excess of their authority. They carry out a proclamation the President had no authority to issue, and they violate the 2021 Restoration Proclamation, which remains in effect.

FOURTH CLAIM FOR RELIEF – COMMISSION TERMINATION

Antiquities Act, 54 U.S.C. § 320301 (All Defendants)

134. Plaintiffs re-allege and incorporate by reference all the allegations set forth in paragraphs 1 through 112.

135. The Antiquities Act is a grant of power to protect, not to withdraw protection. It authorizes the President to "declare by public proclamation" national monuments and to "reserve parcels of land as a part of the national monuments," 54 U.S.C. § 320301(a)–(b), and it speaks only of the "proper care and management of the objects to be protected," *id.* § 320301(b). Nothing in the Act authorizes the President to revoke or diminish protections once conferred, least of all by abolishing a body whose very purpose is to ensure, through the participation of sovereign tribal nations, that a monument's objects receive the proper care and management the Act demands.

136. The 2026 Dismantling Proclamation nonetheless declares that "[t]he BEC is hereby disbanded and terminated, and the Secretaries shall have no obligation to engage, consult, or coordinate with the BEC or a comparable entity as provided in, or derived from, either Proclamation 9558 or 10285."

137. Moreover, even if the President's authority to provide for the proper care and management of monument objects permitted him to disestablish the Commission in some circumstances, it does not support the termination here. The President does not find in the 2026 Dismantling Proclamation that terminating the Commission serves the proper care and management of any object.

138. As a result, President Trump's purported termination of the Commission via the 2026

Dismantling Proclamation is *ultra vires* executive action subject to non-statutory review. The steps Agency Defendants have taken and will take to implement the Commission's purported termination are likewise *ultra vires* executive action subject to non-statutory review.

FIFTH CLAIM FOR RELIEF – COMMISSION TERMINATION

Administrative Procedure Act, 5 U.S.C. §§ 701-706 (All Agency Defendants)

139. Plaintiffs re-allege and incorporate by reference all the allegations set forth in paragraphs 1 through 112.

140. After the 2026 Dismantling Proclamation issued, Agency Defendants decided to cease implementing the Tribal Co-Stewardship provisions of the RMP. That decision is reflected in the agencies' July 15, 2026 statement that they would no longer recognize the Commission or engage with it in implementing the RMP, that they would work with tribal representatives only through the Proclamation's federal advisory committee or NHPA section 106 consultation, and that they regarded the provisions of the RMP implicating the Commission as "overridden" by the Proclamation. It is also reflected in the agencies' refusal on July 16, 2026 to engage with the Commission's members on the wildfire monitoring and special recreation permit review planned for that day; in Jared Lundell's August 7, 2026 cancellation, "due to the changes in the proclamation," of the standing meeting invitation used to fulfill the RMP's regular meeting requirements; in the agencies' refusal to work with the Commission on the pending special recreation permit for an ATV rally; in the Forest Service BAER team's initial assessment of the Babylon Fire burned area, and its development of emergency

treatments for cultural sites there, without notice to or collaboration with the Commission; and in the Forest Service's work on the Babylon Project without any of the notice or collaboration that the RMP requires.

141. Since July 13, 2026, Agency Defendants have not notified the Commission or any comparable tribal representative body before initiating any implementation-level project, including the Babylon Project. Nor have they held the regular meetings the RMP requires, including the two-day quarterly meeting scheduled for the end of October 2026. Nor have they convened the annual review of the RMP or developed a joint annual work plan. The RMP requires each of these.

142. Agency Defendants' decision is final agency action. 5 U.S.C. § 704. It marks the consummation of their decision making: Agency Defendants communicated it to Plaintiff Nations both orally and in writing as a definitive position, and they have acted on it in every decision since. And it determines rights and obligations: it withdraws from Plaintiff Nations procedures the RMP guarantees them.

143. That final agency action violates the RMP and thus is unlawful. The RMP remains in effect. A land use plan may be amended only through prescribed procedures, including public notice and an opportunity for public participation. 43 C.F.R. §§ 1610.2, 1610.5-5; 16 U.S.C. § 1604(f)(4); 36 C.F.R. §§ 219.13, 219.16. Neither agency has amended the RMP, so they remain binding on the agencies.

144. The 2026 Dismantling Proclamation does not excuse Agency Defendants' decision. The President's purported termination of the Commission in the Proclamation is *ultra vire*s

and void, as alleged in the Fourth Claim for Relief. Nor can a proclamation, even if otherwise valid, amend a land use plan.

145. Agency Defendants' decision is also arbitrary and capricious. Agency Defendants did not consider whether the Proclamation could, or did, relieve them of obligations arising under the RMP. They did not consider Plaintiff Nations' substantial reliance interests. And they did not consider alternatives short of wholesale abandonment, such as continuing to afford the RMP's procedures to a comparable tribal representative body.

SIXTH CLAIM FOR RELIEF – BABYLON DECISION

Administrative Procedure Act, 5 U.S.C. §§ 701-706 (Forest Service Defendants)

146. Plaintiffs re-allege and incorporate by reference all the allegations set forth in paragraphs 1 through 112.

147. The APA directs a reviewing court to "compel agency action unlawfully withheld or unreasonably delayed." 5 U.S.C. § 706(1).

148. Forest Service Defendants are required to comply with the notice-and-collaboration procedures of the RMP, including those in Forest Service ROD Attachment 3. Those notice-and-collaboration procedures are phrased in mandatory terms. They impose specific, numerical deadlines triggered by the agencies' own decision to initiate a project. They may be modified only by agreement. And the RMP itself describes these deadlines as "imposed by . . . this plan." Forest Service ROD Attachment 3 at 3.

149. For each implementation-level project, those procedures require Forest Service Defendants to take specific actions at specific times. They must:

A. notify the Commission at least fifteen business days before initiating the project;

B. provide a schedule for the Commission's input;

C. notify the Commission before each internal review stage;

D. notify the Commission before any decision issues;

E. explain in writing any decision not to adopt the Commission's written recommendations; and

F. afford the opportunity to elevate disagreement to the regional forester.

150. The Babylon Project is an implementation-level project subject to these procedures. Yet Forest Service Defendants have taken none of the required actions. They initiated the Babylon Project without notice to the Commission. They have provided no schedule for the Commission's input and no notice before any internal review stage. They have not collaborated with the Commission, or with any comparable Tribal representative body, on the site-specific implementation-level management the Babylon Project entails. Instead, they are developing the Babylon Project in accordance with Agency Defendants' decision to cease implementing the Tribal Co-Stewardship provisions of the RMP.

151. Each of these is a discrete action that Forest Service Defendants are required to take. The RMP leaves them no discretion over whether to provide notice, to whom, or when. The passing of the deadline for the initial notice does not extinguish the obligation to give it, and the remaining obligations must be performed before any decision issues.

152. Forest Service Defendants' failure to act continues to deprive Plaintiff Nations of the staged input, the written explanation of any rejected recommendation, and the right to elevate disagreement to the regional forester that the RMP guarantees, on a project that would authorize ground disturbance across tens of thousands of acres of their ancestral homeland.

153. Forest Service Defendants' failure to provide the notice and collaboration the RMP requires constitutes agency action unlawfully withheld or, in the alternative, unreasonably delayed. 5 U.S.C. § 706(1). The Court should compel Forest Service Defendants to take each of the required actions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Nations respectfully request that the Court:

1. Declare that the 2026 Dismantling Proclamation exceeds the President's authority under the Antiquities Act, 54 U.S.C. § 320301, is *ultra vires*, and is void ab initio;
2. Declare that the 2026 Dismantling Proclamation violates the Property Clause, U.S. Const. art. IV, § 3, cl. 2, and the separation of powers, U.S. Const. art. I, §§ 1, 7, and is void ab initio;
3. Declare that the 2021 Restoration Proclamation remains in effect and controls the objects comprising, the lands reserved as part of, and the management of Bears Ears National Monument;
4. Declare unlawful, and vacate and set aside, Agency Defendants' decision to implement the 2026 Dismantling Proclamation's purported revocation of the Monument;

5. Enjoin Agency Defendants from implementing the 2026 Dismantling Proclamation's purported revocation of the Monument, including through any management plan, transportation plan, or other plan premised on it, and from recording, processing, or treating as valid any mining claim located on, or approving any notice or plan of operations for, lands reserved by the 2021 Restoration Proclamation;
6. Declare that any mining claims, mineral leases, or other permits or authorizations premised on the validity of the 2026 Dismantling Proclamation are void ab initio;
7. Declare that the provision of the 2026 Dismantling Proclamation purporting to terminate the Commission, and to relieve the Secretaries of any obligation to engage, consult, or coordinate with the Commission or a comparable entity, is *ultra vires* and void, and enjoin Agency Defendants from giving that provision effect;
8. Declare unlawful, and vacate and set aside, Agency Defendants' decision to cease implementing the Tribal Co-Stewardship provisions of the RMP;
9. Declare that, unless and until the RMP is lawfully amended, it remains in effect and govern all lands within its decision areas, including lands purportedly excluded from the Monument by the 2026 Dismantling Proclamation;
10. Enjoin Agency Defendants, unless and until the RMP is lawfully amended, from initiating or approving any implementation-level project within the RMP's decision areas (or, in the alternative, within the boundaries of the Monument as modified by the 2026 Dismantling Proclamation) without first providing the notice and opportunity to collaborate required by the RMP, including by BLM ROD §§

2.3.1.1 and 2.3.1.2 and Forest Service ROD Attachment 3;

11. Enjoin Forest Service Defendants from implementing the Babylon Decision, including salvage harvest, temporary road construction, road reconstruction, trail relocation, and other ground-disturbing activities under the Babylon Decision within the BENM designated area unless and until they comply with the RMP;
12. Award Plaintiff Nations their fees and costs under 28 U.S.C. § 2412 or other applicable authority; and
13. Grant such other and further relief as the Court deems just and proper.

Dated: November 18, 2026

Respectfully submitted,

/s/ *Matthew Campbell*

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EXHIBIT A

Case No. 26-cv-4092

Constitution and By-laws of the Hopi Tribe

Approved December 19, 1936
and as Amended on
August 1, 1969
February 14, 1980
December 7, 1993
May 25, 2017

HOPI CLANS

Tobacco -Pipwungwa
Rabbit -Tapwungwa
Roadrunner -Hospo'wungwa
Sun -Taawawungwa
Parrot -Kyarwungwa
Sand -Tuwawungwa
Rattlesnake -Tsu' wungwa
Lizard -Kuukutswungwa
Butterfly -Poovolwungwa
Cloud -Oomawwungwa
Snow -Nuvawungwa
Fog -Pamöswungwa
Badger -Honanwungwa
Maasaw -Maswungwa
Fire -Kookopwungwa
Bamboo -Paaqapwungwa
Spider -Kòokyangwungwa
Greasewood -Tepwungwa
Corn – Qa'öwungwa
Tsàakwayna – Tsa'kwaywungwa
Raven – Angwuswungwa
Rabbit Brush – Sivapwungwa

Coyote -Iswungwa
Water Coyote -Paaiswungwa
Eagle -Kwaawungwa
Tansy Mustard -Aaswungwa
Grey Hawk -Masikwaywungwa
Sparrow Hawk -Kyelwungwa
Kachina -Katsinwungwa
Bluebird -Torswungwa
Squash -Paatangwungwa
Crane -Atokwungwa
Sunforehead -Qalwungwa
Water -Patkiwungwa
Bear -Honwungwa
Bear Strap -Piqöswungwa
Young Corn -Piikyaswungwa
Flute -Lenwungwa
Deer -Alwungwa
Bow -Aawatwungwa
Grey Badger – Masihonanwungwa
Grey Bear – Masihonwungwa
Greasy Eye Socket – Wi'ivoswungwa
Arrow - Hoowungwa

United States
Department of the Interior
Office of Indian Affairs

PREAMBLE

This Constitution, to be known as the Constitution and By-Laws of the Hopi Tribe, is adopted by the self-governing Hopi and Tewa Villages of Arizona to provide a way of working together for peace and agreement between the villages, and of preserving the good things of Hopi life, and to provide a way of organizing to deal with modern problems, with the United States Government and with the outside world generally.

ARTICLE I - JURISDICTION

The authority of the Tribe under this Constitution shall cover the Hopi villages and such land as shall be determined by the Hopi Tribal Council in agreement with the United States Government and the Navajo Tribe, and such lands as may be added thereto in future. The Hopi Tribal Council is hereby authorized to negotiate with the proper officials to reach such agreement, and to accept it by a majority vote.

ARTICLE II - MEMBERSHIP

SECTION 1. The following persons shall be enrolled members of the Hopi Tribe:

All persons whose names appear on the Census Roll of the Hopi Tribe as of December 31,1937, as corrected and adopted by the Hopi Tribal Council; PROVIDED, that subsequent corrections may be made to said roll by the Hopi Tribal Council at any time with the approval of the Secretary of Interior.

SECTION 2. After the effective date of this Constitution, the following persons shall be eligible for enrolled membership in the Hopi Tribe.

(a) All persons of a one-fourth (1/4) degree Hopi Indian blood or more, or one-fourth (1/4) degree Tewa Indian blood or more, or one-fourth (1/4) degree Hopi-Tewa Indian blood or more combined, born after December 31,1937, who are not enrolled with any other Indian Tribe.

(b) For the purpose of determining enrolled membership, Hopi Indian blood, Tewa Indian blood, and Hopi - Tewa Indian blood shall mean biological lineal descent from any Hopi or Tewa Indian person whose name appears on the Corrected Membership Roll of the Hopi Tribe as defined in Section 1.

SECTION 3. Persons Already Enrolled. All persons properly enrolled as members of the Hopi Tribe as of the effective date of this Constitution shall continue to be members.

SECTION 4. Village Membership. Village membership shall be determined by the individual Hopi Villages.

SECTION 5. Hopi Enrollment Ordinance. The Hopi Tribal Council shall adopt, and from time to time may amend, an enrollment ordinance not inconsistent with this Article, setting forth the manner in which this Article shall be implemented and administered.

ARTICLE III - ORGANIZATION

SECTION 1. The Hopi Tribe is a union of self-governing villages sharing common interests and working for the common welfare of all. It consists of the following recognized villages:

First Mesa (consolidated villages of Walpi, Shitchumovi, and Tewa).

Mishongnovi.

Sipaulavi.

Shungopavi.

Oraibi.

Kyakotsmovi.

Bakabi.

Hotevilla.

Moenkopi.

SECTION 2. The following powers which the Tribe now has under existing law or which have been given by the Act of June 18, 1934, (48 Stat. 984), and acts amendatory thereof or supplemental thereto, are reserved to the individual villages:

(a) To appoint guardians for orphan children and incompetent members.

(b) To adjust family disputes and regulate family relations of members of the villages.

(c) To regulate the inheritance of property of the members of the villages.

(d) To assign farming land, subject to the provisions of Article VII.

SECTION 3. Each village shall decide for itself how it shall be organized. Until a village shall decide to organize in another manner, it shall be considered as being under the traditional Hopi organization, and the Kikmongwi of such village shall be recognized as its leader.

SECTION 4. Any village which does not possess the traditional Hopi self-government, or which wishes to make a change in that government or add something to it, may adopt a Village Constitution in the following manner: A Constitution, consistent with this Constitution and

By-Laws, shall be drawn up, and made known to all the voting members of such village, and a copy shall be given to the Superintendent of the Hopi jurisdiction. Upon the request of the Kikmongwi of such village, or of 25% of the voting members thereof, for an election on such Constitution, the Superintendent shall make sure that all members have had ample opportunity to study the proposed Constitution. He shall then call a special meeting of the voting members of such village, for the purpose of voting on the adoption of the proposed Constitution, and shall see that there is a fair vote. If at such referendum, not less than half of the voting members of the village cast their votes, and if a majority of those voting accepts the proposed Constitution, it shall then become the Constitution of that village, and only officials chosen according to its provisions shall be recognized.

The village Constitution shall clearly say how the Council representatives and other village officials shall be chosen, as well as the official who shall perform the duties placed upon the Kikmongwi in this Constitution. Such village Constitution may be amended or abolished in the same manner as provided for its adoption.

ARTICLE IV - THE TRIBAL COUNCIL

SECTION 1. The Hopi Tribal Council shall consist of a Chairman, Vice Chairman, and representatives from the various villages. The number of representatives from each village shall be determined accordingly to its population, as follows: villages of 50 to 250 population, one (1) representative; villages of 251 to 500 population, two (2) representatives; villages of 501 to 750 population, three (3) representatives; villages of over 750 population, four (4) representatives.

The representation in the first Tribal Council shall be as follows:

First Mesa.....4
Mishongnovi.....2
Sipaulavi.....1
Shungopavi.....2
Oraibi.....1
Kyakotsmovi.....2
Bakabi 1
Hotevilla.....2
Moenkopi 2

SECTION 2. The term of office of the representatives shall be two (2) years, except that at the first election or choosing of representatives following the adoption of this section, approximately one-half of the representatives shall serve for a term of one (1) year. The determination as to which representatives shall serve for one (1) year shall be made by the Tribal Council and announced to each village Kikmongwi or Governor on or before the first day of October 1969. Representatives may serve any number of terms in succession or otherwise.

SECTION 3. Each representative must be a member of the village which he represents. He must be twenty-five (25) years or more of age, and must have lived in the Hopi jurisdiction for not less than two (2) years before taking office, and must be able to speak the Hopi language fluently.

SECTION 4. Each village shall decide for itself how it shall choose its representatives, subject to the provisions of Section 5. Representatives shall be recognized by the Council only if they are certified by the Kikmongwi of their respective villages. Certifications may be made in writing or in person.

SECTION 5. One (1) representative of the Village of Moenkopi shall be selected from the Lower District, and certified by the Kikimongwi of Moenkopi, and one (1) representative shall be selected by the Upper district, and certified by the Official whom that District may appoint, or who may be specified in a village Constitution adopted under the provisions of Article III, Section 4. This section may be repealed, with the consent of the Tribal Council, by vote of a two-thirds majority at a meeting of the voting members of Moenkopi Village called and held subject to the provisions of Article III, Section 4.

SECTION 6. No business shall be done unless at least a majority of the members are present.

SECTION 7. The Chairman and Vice-Chairman shall be elected by secret ballot by all members of the Hopi Tribe. The Tribal Council shall choose from its own members or from other members of the Tribe, a secretary, treasurer, sergeant-at-arms and interpreters and such other officers and committees as it may determine necessary subject to the provisions of the By-Laws, Article I.

SECTION 8. All members of the Hopi Tribe eighteen (18) years of age or over shall be qualified to vote in any election or referendum other than village elections and referendums under such rules and regulations as may be prescribed by the Hopi Tribal Council.

SECTION 9. The Chairman and Vice Chairman shall serve for a term of four (4) years. Candidates for the offices of Chairman and Vice Chairman shall be members of the Hopi Tribe, twenty-five years of age or older and must speak the Hopi language. Each candidate for either of said offices must also have a primary and physical residency on the Hopi Reservation for not less than two years immediately preceding his announcement of such candidacy. A candidate must not have been convicted of a felony or any crime involving moral turpitude within ten (10) years of candidacy.

SECTION 10. Candidates for the offices of Chairman and Vice Chairman shall declare their candidacy with the Hopi Election Board. Candidacy procedures will be made available through the Hopi Election Board and will follow Hopi Election Board Ordinances #34 of the Hopi Tribe.

SECTION 11. A primary election shall be held on the second Thursday in September 2017 and on the second Thursday in September every fourth year thereafter. PROVIDED. That, no primary election shall be held in the years when there shall be no more than two (2) candidates for either of the offices of Chairman and Vice Chairman. The two (2) candidates in a primary election receiving the highest number of votes for each of said offices of Chairman and Vice Chairman shall have their names entered in the final election. In the event there are not more than two (2) candidates for either of such offices those candidates with no more than one (1) competing candidate shall have their names entered in the final election without the necessity of a primary election.

SECTION 12. The final election shall be held on the second Thursday in November 2017 and on the second Thursday in every fourth year thereafter.

SECTION 13. Inauguration of the Chairman and Vice Chairman shall take place at the first regular Tribal Council meeting following their election.

ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Any Chairman, Vice Chairman, representative or other officer found guilty in a tribal or other court of a misdemeanor involving dishonesty, of a felony, or of drunkenness, shall be automatically removed from office and the Council shall refuse to recognize him.

SECTION 2. Any officer or representative may be removed from office for serious neglect of duty, by a vote of not less than two-thirds of the Council, after the officer to be so removed has been given full opportunity to hear the charges against him and to defend himself before the Council.

SECTION 3. Vacancies occurring for any reason in the offices of the chairman and vice chairman or in the office of any other officer shall be filled for the rest of the term in the same manner as those officers are ordinarily chosen through a Special Election to fill the vacancies of the Chairman Vice chairman or both following the Special Election process as stated in the Hopi Election Ordinance #34.

Vacancies occurring for any reason among the officers appointed by the Council shall be filled by the Council.

Vacancies occurring for any reason in the offices of Chairman and Vice Chairman or in the offices of any officer shall be filled for the rest of the term in the same manner as those officers are ordinarily chosen.

ARTICLE VI - POWERS OF THE TRIBAL COUNCIL

SECTION 1. The Hopi Tribal Council shall have the following powers which the Tribe now has under existing law or which have been given to the Tribe by the Act of June 18, 1934. The Tribal Council shall exercise these powers subject to the terms of this Constitution and to the Constitution and Statutes of the United States.

(a) To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe, and to negotiate with the Federal, State, and local governments, and with the councils or governments of other tribes.

(b) To employ lawyers, the choice of lawyers and fixing of fees to be subject to the approval of the Secretary of the Interior so long as required by Federal law.

(c) To prevent the sale, disposition, lease or encumbrance of tribal lands, or other tribal property.

(d) To advise with the Secretary of the Interior and other governmental agencies upon all appropriation estimates or Federal projects for the benefit of the Tribe, before the submission of such estimates to the Office of Management and Budget or to Congress.

(e) To raise and take care of a tribal council fund by accepting grants or gifts from any person, State, or the United States Government, or by charging persons doing business within the Reservation reasonable license fees.

(f) To use such Tribal Council fund for the welfare of the Tribe, and for salaries or authorized expenses of tribal officers. All payments from the Tribal Council fund shall be a matter of public record at all times.

(g) To make ordinances to protect the peace and welfare of the Tribe, and to set up courts for the settlement of claims and disputes, and for the trial and punishment of Indians within the jurisdiction charged with offenses against such ordinances.

(h) To act as a court to hear and settle claims or disputes between villages in the manner provided in Article VIII.

(i) To provide by ordinance for removal or exclusion from the jurisdiction of any non-members whose presence may be harmful to the members of the Tribe.

(j) To regulate the activities of voluntary cooperative associations of members of the Tribe for business purposes.

(k) To protect the arts, crafts, traditions, and ceremonies of the Hopi Indians.

(l) To delegate any of the powers of the Council to committees or officers, keeping the right to review any action taken.

(m) To request a charter of incorporation to be issued as provided in the Act of June 18, 1934.

(n) To adopt resolutions providing the way in which the Tribal Council itself shall do its business.

SECTION 2. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be given to the Superintendent of the jurisdiction, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall send a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, veto said ordinance or resolution for any reason by notifying the Tribal Council of his decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten (10) days after enactment, he shall report his reasons to the Tribal Council. If the Tribal Council thinks these reasons are not sufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 3. The Hopi Tribal Council may exercise such further powers as may in the future be delegated to it by the members of the Tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SECTION 4. Any rights and powers which the Hopi Tribe of Indians now has, but which are not expressly mentioned in this Constitution, shall not be lost or limited by this Article, but may be exercised by the members of the Hopi Tribe of Indians through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII - LAND

SECTION 1. Assignment of use of farming land within the traditional clan holdings of the Villages of First Mesa, Mishongnovi, Sipaulavi, and Shungopavi, and within the established village holdings of the Villages of Kyakotsmovi, Bakabi, Oraibi, Hotevilla, and Moenkopi, as in effect at the time of approval of this Constitution, shall be made by each village according to its established custom, or such rules as it may lay down under a village Constitution adopted according to the provisions of Article III, Section 4. Unoccupied land beyond the clan and village holdings mentioned shall be open to the use of any member of the Tribe, under the supervision of the Tribal Council.

Nothing in this Article shall permit depriving a member of the Tribe of farming land actually occupied and beneficially used by him at the time of approval of this Constitution, but where an individual is occupying or using land which belongs to another by agreement with the owner, that land shall continue to belong to that owner.

SECTION 2. In order to improve and preserve the range, range land shall be supervised by the Tribal Council in cooperation with the various United States Government agencies.

SECTION 3; All springs shall be considered the property of the Tribe, and no individual or group of individuals shall be allowed to prevent the reasonable use of any spring by members of the Tribe generally, but the individual who develops a spring, or on whose land it is, shall have the first use of it.

SECTION 4. The administration of this Article shall be subject to the provisions of Section 6 of the Act of June 18, 1934.

ARTICLE VIII DISPUTES BETWEEN VILLAGES

SECTION 1. When a dispute arises between villages over any matter, the Kikmongwi of any village party to the dispute may inform the Chairman of the Tribal Council of the nature of the dispute, and ask him to call a special meeting of the Council to settle the matter.

The Chairman shall thereupon call a special meeting of the Council, to be held on the eighth day from the day of such request, at which meeting he, and the Council representatives or other persons chosen by each village party to the dispute to speak for it before the Council, may summon all witnesses having evidence to give in the matter, and may examine them.

When the Council has heard all the evidence and examined the witnesses to its satisfaction, it shall hold a secret meeting which shall not be attended by the representatives of the villages party to the dispute, and after full and careful consideration and discussion, shall vote on a decision. Such decision shall become effective when it is carried by a majority of the Council members present. The Council shall keep a record of the evidence and the reasons for its decision.

SECTION 2. If both the Chairman and the Vice Chairman are representatives of villages party to the dispute, the Council shall elect a temporary Chairman to serve for the duration of the trial.

SECTION 3. If any village party to the dispute feels that the decision of the Council in such case is unjust, the Kikmongwi of that village may notify the Superintendent within ten (10) days and the decision of the Council shall then be subject to review by the Secretary of the Interior, within ninety (90) days thereafter, in the manner provided in Article VI, Section 2.

ARTICLE IX - BILL OF RIGHTS

SECTION 1. All resident members of the Tribe shall be given equal opportunities to share in the economic resources and activities of the jurisdiction.

SECTION 2. All members of the Tribe shall be free to worship in their own way, to speak and write their opinion, and to meet together.

ARTICLE X - AMENDMENT

Any representative may propose an amendment to this Constitution and By-Laws at any meeting of the Council. Such proposed amendment may be discussed at that meeting, but no vote shall be taken on it until the next following meeting of the Council. If the Council shall then approve such proposed amendment by a majority vote, it shall request the Secretary of the Interior to call a referendum for accepting or rejecting such amendment. It shall then be the duty of the Secretary of the Interior to call such referendum, at which the proposed amendment may be adopted subject to the Secretary's approval, in the same manner as provided for the adoption and approval of this Constitution and By-Laws.

ARTICLE XI -TAXATION

SECTION 1. The Hopi Tribal Council shall, subject to the express limitations contained in this Constitution and the laws of the United States, have the power to impose duties, fees, taxes, and assessments on any person, corporation or association residing or doing business within the Hopi Reservation, PROVIDED, That the Tribal Council shall not have the power to impose a personal income tax.

SECTION 2. No tax imposed by the Tribal Council under Section 1 of this Article shall become effective unless approved by a majority vote of the eligible voters of the Hopi Tribe voting in a referendum called for that purpose pursuant to Section 8 of Article IV of this Constitution.

BY-LAWS OF THE HOPI TRIBE

ARTICLE I - DUTIES AND QUALIFICATIONS OF OFFICERS

SECTION 1. The Chairman shall preside over all meetings of the Tribal Council. He shall perform all duties of a Chairman fairly and impartially, and exercise any authority delegated to him by the Council.

He shall vote only in case of a tie.

SECTION 2. The Vice Chairman shall help the Chairman in his duties when called upon to do so, and in the absence of the Chairman shall act as Chairman with all the attendant powers and duties.

SECTION 3. The representatives shall perform the duties of the Council, set forth in this Constitution and By-Laws. They shall inform the people of their villages of the matters discussed and the actions taken, and they shall fairly and truly represent the people of their villages.

SECTION 4. The Secretary shall write all tribal correspondence, as authorized by the Council, and shall keep an accurate record of all action of regular and special meetings of the Council. He shall keep a copy of such records in good order and available to the general public and shall send another copy of them, following each meeting of the Council, to the Superintendent of the jurisdiction. He shall have a vote in the Council only if he is a regular representative.

The Secretary must be a resident member of the Hopi Tribe, and must be able to speak the Hopi language fluently, and to read and write English well.

SECTION 5. The Treasurer shall receive, receipt for, and take care of all funds in the custody of the Council, and deposit them in a bank or elsewhere as directed by the Council. He shall make payments therefrom only when authorized by a resolution of the Council, and in the manner authorized. He shall keep a faithful record of such funds, and shall report fully on receipts, payments, and amounts in hand at all regular meetings of the Council and whenever requested to do so by the Council. His accounts shall be open to public inspection.

He shall have a vote in the Council only if he is a regular representative.

The Treasurer may be required by the Council to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs.

The Treasurer must be a resident member of the Hopi Tribe, and must be able to speak the Hopi language fluently and to read and write English well.

SECTION 6. The interpreter or interpreters shall be resident members of the Hopi Tribe, and shall be able to interpret fluently and accurately in the Hopi, English, and Navajo languages, and shall do so whenever requested by the Council. Interpreters shall have a vote in the Council only when they are regular representatives.

SECTION 7. The Sergeant-at-Arms, at the orders of the Chairman, shall enforce order in the Council, and shall summon all persons required to appear before the Council, and deliver notices of special meetings, and perform such other duties as may be required of him by the Council. The Sergeant-at-Arms shall be a resident member of the Hopi Tribe, and must be able to speak Hopi fluently, and to speak English.

SECTION 8. The qualifications and duties of all committees and officers appointed by the Council shall be clearly defined by resolution of the Tribal Council at the time the positions are created. Such committees or officers shall report to the Council whenever required.

ARTICLE II - MEETINGS OF THE COUNCIL

SECTION 1.Regular meetings of the Tribal Council shall be held on the first day of December, March, June, and September, at such places as shall be determined by the Council.

SECTION 2. Within sixteen (16) days after this Constitution goes into effect, the villages shall choose their representatives for the first term of one (1) year, and on the sixteenth day the first meeting of the Council shall be held at Oraibi Day School.

SECTION 3. Special meetings of the Council shall be called by the Chairman in his discretion or at the request of four (4) representatives, or in the case of a dispute between villages, as provided in Article VIII of the Constitution. Notice of special meetings shall be delivered to each representative not less than eight (8) days before such meeting, together with a statement of the business to be discussed thereat.

SECTION 4. All members of the Hopi Tribe may attend any meeting of the Council, but they may not speak, except by invitation of the Council. Non-members may be invited by the Council to attend any meeting and to address it.

SECTION 5. The Council may employ, or may request the Superintendent of the jurisdiction to furnish, a clerk trained in shorthand, to take down verbatim minutes of any meeting.

SECTION 6. When the Council desires advise of, or consultation with, any officer of the Federal Government, it may invite him to attend any meeting and may give him the privilege of the floor.

ARTICLE III - ORDINANCES AND RESOLUTIONS

All ordinances and resolutions shall be recorded and available at all times for the information and education of the Tribe. Copies of all ordinances shall be posted from time to time in a public place in each village.

ARTICLE IV - EAGLE HUNTING TERRITORIES AND SHRINES

The Tribal Council shall negotiate with the United States Government agencies concerned, and with other tribes and other persons concerned, in order to secure protection of the right of the Hopi Tribe to hunt for eagles in its traditional territories, and to secure adequate protection for its outlying, established shrines.

ARTICLE V - ALL-PUEBLO COUNCIL

The Tribal Council may appoint delegates to speak for the Tribe at the All-Pueblo Council, and to report to the Council and the Tribe on all proceedings thereof.

ARTICLE VI - ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-Laws, when ratified by a majority vote of the adult members of the Hopi Tribe voting at a referendum called for that purpose by the Secretary of the Interior, PROVIDED, that at least thirty percent (30%) of those entitled to vote shall vote at such referendum, shall be submitted to the Secretary of the Interior, and if approved, shall take effect from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved September 30, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Hopi Tribe residing on the Hopi Reservation, and was on October 24, 1936, duly adopted by a vote of 651 for, and 104 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

George Coochise, *Chairman of Election Board.*

Albert Yava, *Secretary of Election Board.*

A. G. Hutton, *Superintendent.*

I, Harold L. Ickes, the Secretary of the Interior of the Unites States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Hopi Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended December 14, 1936.

John Collier , *Commissioner of Indian Affairs*

Harold L Ickles, *Secretary of the Interior* [Seal]

Washington, D.C., December 19, 1936

AMENDMENT
CONSTITUTION AND BYLAWS
of the
HOPI TRIBE
ARIZONA

AUG - 1 1969

AMENDMENT I

Section 3 of Article II, Membership, shall be deleted in its entirety.

The first sentence of Article IV, The Tribal Council, shall be amended to read:

> Section 1. The Hopi Tribal Council shall consist of a chairman, vice chairman and representatives from the various villages.

Section 2 of Article IV, The Tribal Council, shall be amended in its entirety to read as follows:

> Sec. 2. The term of office of the representatives shall be two years, except that at the first election or choosing of representatives following the adoption of this section, approximately one-half of the representatives shall serve for a term of one year. The determination as to which representatives shall serve for one year shall be made by the tribal council and announced to each village Kickmongwi or Governor on or before the first day of October 1969. Representatives may serve any number of terms in succession or otherwise.

Section 7 of Article IV, The Tribal Council, shall be amended to read as follows:

> Sec. 7. The chairman and vice chairman shall be elected by secret ballot by all members of the Hopi Tribe. The tribal council shall choose from its own members or from other members of the tribe, a secretary, treasurer, sergeant-at-arms and interpreters and such other officers and committees as it may determine necessary, subject to the provisions of the Bylaws, Article I.

Article IV, The Tribal Council, shall be amended by adding to it Sections 8, 9, 10, 11, 12 and 13 as follows:

Sec. 8. All members of the Hopi Tribe twenty-one years of age or over shall be qualified to vote in any election or referendum, other than village elections and referendums under such rules and regulations as may be prescribed by the Hopi Tribal Council and approved by the Secretary of the Interior.

Sec. 9. The chairman and vice chairman shall each serve for a term of four years. Candidates for the offices of chairman and vice chairman shall be members of the Hopi Tribe, twenty-five years of age or older and must be able to speak the Hopi language fluently. Each candidate for either of said offices must also have lived on the Hopi Reservation for not less than two years immediately preceding his announcement of such candidacy.

Sec. 10. Candidates for the offices of chairman and vice chairman may declare their candidacy by filing with the tribal secretary or tribal chairman or vice chairmen a petition signed by at least ten adult members of the tribe at least 15 days before the date set for the election. It shall be the duty of the secretary to post the names of the qualified candidates for both the primary and final elections in a public place in each village at least ten days prior to the election.

Sec. 11. A primary election shall be held on the first Wednesday in November in 1969 and on the first Wednesday in November in every fourth year thereafter, provided that, no primary election shall be held in the years when there shall be no more than two candidates for either of the offices of chairman and vice chairman.

The two candidates in a primary election receiving the highest number of votes for each of said offices of chairman and vice chairman shall have their names entered in the final election. In the event there are not more than two candidates for either of such offices those candidates with no more than one competing candidate shall have their names entered in the final election without the necessity of a primary election.

Sec. 12. The general election shall be held on the third Wednesday in November 1969 and on the third Wednesday in November in every fourth year thereafter.

Sec. 13. Inauguration of the chairman and vice chairman shall take place at the first regular tribal council meeting following their election.

AMENDMENT
CONSTITUTION AND BYLAWS
of the
HOPI TRIBE
ARIZONA

AMENDMENT II

Article V, Vacancies and Removal from Office, shall be amended as follows:

Section 1. Any chairman, vice chairman, representative or other officer found guilty in a tribal or other court of a misdemeanor involving dishonesty, of a felony, or of drunkenness, shall be automatically removed from office, and the council shall refuse to recognize him.

Section 3, paragraph 3 shall be added as follows:

Vacancies occurring for any reason in the offices of chairman and vice chairman or in the office of any other officer shall be filled for the rest of the term in the same manner as those officers are ordinarily chosen.

APPROVAL

I, Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments I and II to the Constitution and Bylaws of the Hopi Tribe of Arizona.

Approval Recommended:

Acting Commissioner of Indian Affairs

Harrison Loesch

Assistant Secretary of the Interior

Washington, D. C.

Date: AUG - 1 1959

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

Amendment III

Article II, Membership, Section 1, subsections 1(a), 1(b) and 1(c) shall be amended as follows:

Section 1. Membership in the Hopi Tribe shall be as follows:

(a) All persons whose names appear on the census roll of the Hopi Tribe as of December 31, 1937, provided that corrections may be made at any time to said roll by the Tribal Council, subject to the approval of the Secretary of the Interior.

(b) All children born after December 31, 1937, whose father and mother are both members of the Hopi Tribe.

(c) All children born after December 31, 1937, whose mother is a member of the Hopi Tribe, and whose father is a member of some other tribe.

Article II, Section 1, subsection 1(d) is not being amended.

CERTIFICATES OF RESULTS OF ELECTION

Pursuant to an election authorized by the Phoenix Area Office on June 26, 1979, the attached Amendment III to the Constitution and By-laws of the Hopi Tribe, was submitted to the qualified voters of the Hopi Tribe of Arizona and was on January 30, 1980, duly adopted by a vote of 607 (number) for and 74 (number) against, in an election in which at least 30 per cent of the 977 (number) entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 13, 1934, (48 Stat. 984) as amended by the Act of June 15, 1934, (49 Stat. 378).

Alph H. Secakuku, Chairman
Election Board

Samuel P. Shing, Member
Election Board

Thomas Balenquah, Member
Election Board

APPROVAL

Amendment No. III

I, Curtis Gelogomah, Deputy Phoenix Area Director, Bureau of Indian Affairs, by virtue of the authority delegated to the Commissioner of Indian Affairs by the Act of June 18, 1934 (48 Stat. 984), as amended, and redelegated to me, do hereby approve the foregoing Amendment No. III to the Constitution and Bylaws of the Hopi Tribe of Arizona; provided that nothing in this approval shall be construed as authorizing any action under the Constitution and Bylaws that would be contrary to Federal Law.

Deputy Phoenix Area Director
Bureau of Indian Affairs

Phoenix, Arizona

Date: FEB 14 1960

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

AMENDMENT NO. A

ARTICLE II - MEMBERSHIP shall be amended in its entirety to read as follows:

ARTICLE II - MEMBERSHIP

Section 1. The following persons shall be enrolled members of the Hopi Tribe.

All persons whose names appear on the Census Roll of the Hopi Tribe as of December 31, 1937, as corrected and adopted by the Hopi Tribal Council; PROVIDED, That subsequent corrections may be made to said roll by the Hopi Tribal Council at any time with the approval of the Secretary of the Interior.

Section 2. After the effective date of this amendment, the following persons shall be eligible for enrolled membership in the Hopi Tribe.

(a) All persons of one-fourth (1/4) degree Hopi Indian blood or more, or one-fourth (1/4) degree Tewa Indian blood or more, or one-fourth (1/4) degree Hopi-Tewa Indian blood or more combined, born after December 31, 1937, who are not enrolled with any other Indian Tribe.

(b) For the purpose of determining enrolled membership, Hopi Indian blood, Tewa Indian blood, and Hopi-Tewa Indian blood shall mean biological lineal descent from any Hopi or Tewa Indian person whose name appears on the Corrected Membership Roll of the Hopi Tribe as defined in Section 1.

Section 3. Persons Already Enrolled. All persons properly enrolled as members of the Hopi Tribe as of the effective date of this amendment shall continue to be members.

Section 4. Village Membership. Village membership shall be determined by the individual Hopi Villages.

Section 5. Hopi Enrollment Ordinance. The Hopi Tribal Council shall adopt, and from time to time may amend, an enrollment ordinance not inconsistent with this Article, setting forth the manner in which this Article shall be implemented and administered.

Having been duly adopted and approved, Proposed Amendment A is hereby designated as Amendment No. IV to the Constitution and Bylaws of the Hopi Tribe of Arizona.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Assistant Secretary - Indian Affairs on September 8, 1993, Amendment No. A to the Constitution and Bylaws of the Hopi Tribe of Arizona was submitted to the qualified voters of the Hopi Tribe, and was on Dec. 7, 1993, duly adopted/rejected by a vote of 364 for, and 134 against, and 9 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 776 members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Davis J. Pecusa
Chairman, Election Board

Election Board Member

Beverly J. Thomas
Election Board Member

Betty Thunder Hauk
Election Board Member

Robert C. Sakiestewa Sr.
Election Board Member

Date: 12/07/93

APPROVAL

I, Ada E. Deer, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D. M. 2.4, do hereby approve Amendment A, hereinafter known as Amendment No. IV, to the Constitution and Bylaws of the Hopi Tribe of Arizona. This Amendment is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Ada E. Deer
Assistant Secretary - Indian Affairs

Washington, D. C.

Date:

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

AMENDMENT B

Section 8 of ARTICLE IV - THE TRIBAL COUNCIL shall be amended to read as follows:

Section 8. All members of the Hopi Tribe eighteen (18) years of age or over shall be qualified to vote in any election or referendum other than village elections and referendums under such rules and regulations as may be prescribed by the Hopi Tribal Council.

Having been duly adopted and approved, Proposed Amendment B is hereby designated as Amendment No. V to the Constitution and Bylaws of the Hopi Tribe of Arizona.

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

AMENDMENT D

Section 1(g) of ARTICLE VI - POWERS OF THE TRIBAL COUNCIL shall be amended to eliminate Secretarial approval to read as follows:

(g) To make ordinances to protect the peace and welfare of the Tribe, and to set up courts for the settlement of claims and disputes, and for the trial and punishment of Indians within the jurisdiction charged with offenses against such ordinances.

Having been duly adopted and approved, Proposed Amendment D is hereby designated as Amendment No. VII to the Constitution and Bylaws of the Hopi Tribe of Arizona.

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

AMENDMENT D

Section 1(g) of ARTICLE VI - POWERS OF THE TRIBAL COUNCIL shall be amended to eliminate Secretarial approval to read as follows:

(g) To make ordinances to protect the peace and welfare of the Tribe, and to set up courts for the settlement of claims and disputes, and for the trial and punishment of Indians within the jurisdiction charged with offenses against such ordinances.

Having been duly adopted and approved, Proposed Amendment D is hereby designated as Amendment No. VII to the Constitution and Bylaws of the Hopi Tribe of Arizona.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Assistant Secretary - Indian Affairs on September 8, 1993, Amendment B to the Constitution and Bylaws of the Hopi Tribe of Arizona was submitted to the qualified voters of the Hopi Tribe, and was on Dec. 7, 1993, duly adopted/rejected by a vote of 343 for, and 154 against, and 0 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 776 members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

David T. Pecusa
Chairman, Election Board

Henri Talayumptewa
Election Board Member

Beverly J. Thomas
Election Board Member

Betty Thunder Hauk
Election Board Member

Robert C. Sakiestewa Sr.
Election Board Member

Date: 12/07/93

APPROVAL

I, Ada E. Deer, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve Amendment B, hereinafter known as Amendment No. V, to the Constitution and Bylaws of the Hopi Tribe of Arizona. This Amendment is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Ada E. Deer
Assistant Secretary - Indian Affairs

Washington, D. C.

Date

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

AMENDMENT C

Section 1(e) of ARTICLE VI - POWERS OF THE TRIBAL COUNCIL shall be amended to eliminate Secretarial approval to read as follows:

(e) To raise and take care of a tribal council fund by accepting grants or gifts from any person, State, or the United States Government, or by charging persons doing business within the Reservation reasonable license fees.

Having been duly adopted and approved, Proposed Amendment C is hereby designated as Amendment No. VI to the Constitution and Bylaws of the Hopi Tribe of Arizona.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Assistant Secretary - Indian Affairs on September 8, 1993, Amendment C to the Constitution and Bylaws of the Hopi Tribe of Arizona was submitted to the qualified voters of the Hopi Tribe, and was on Dec. 7, 1993, duly adopted/rejected by a vote of 325 for, and 169 against, and 0 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 776 members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chairman, Election Board

Election Board Member

Election Board Member

Election Board Member

Election Board Member

Date: 12/07/93

APPROVAL

I, Ada E. Deer, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve Amendment C, hereinafter known as Amendment No. VI, to the Constitution and Bylaws of the Hopi Tribe of Arizona. This Amendment is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Ada E. Deer
Assistant Secretary - Indian Affairs

Washington, D. C.

Date: DEC [illegible] 1993

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

AMENDMENT D

Section 1(g) of ARTICLE VI - POWERS OF THE TRIBAL COUNCIL shall be amended to eliminate Secretarial approval to read as follows:

(g) To make ordinances to protect the peace and welfare of the Tribe, and to set up courts for the settlement of claims and disputes, and for the trial and punishment of Indians within the jurisdiction charged with offenses against such ordinances.

Having been duly adopted and approved, Proposed Amendment D is hereby designated as Amendment No. VII to the Constitution and Bylaws of the Hopi Tribe of Arizona.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Assistant Secretary - Indian Affairs on September 8, 1993, Amendment D to the Constitution and Bylaws of the Hopi Tribe of Arizona was submitted to the qualified voters of the Hopi Tribe, and was on Dec. 7, 1993, duly adopted/rejected by a vote of 311 for, and 178 against, and 0 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 776 members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Dennis J. Pecusa
Chairman, Election Board

Election Board Member

Election Board Member

Betty Thunder Hank
Election Board Member

Robert C. Sakiestewa Jr.
Election Board Member

Date: 12/07/93

APPROVAL

I, Ada E. Deer, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D. M. 2.4, do hereby approve Amendment D, hereinafter known as Amendment No. VII, to the Constitution and Bylaws of the Hopi Tribe of Arizona. This Amendment is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Ada E. Deer
Assistant Secretary - Indian Affairs

Washington, D. C.

Date: DEC 30 1993

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

AMENDMENT E

Section 1 (i) of ARTICLE VI - POWERS OF THE TRIBAL COUNCIL shall be amended to eliminate Secretarial approval to read as follows:

(i) To provide by ordinance for removal or exclusion from the jurisdiction of any non-members whose presence may be harmful to the members of the Tribe.

Having been duly adopted and approved, Proposed Amendment E is hereby designated as Amendment No. VIII to the Constitution and Bylaws of the Hopi Tribe of Arizona.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Assistant Secretary - Indian Affairs on September 8, 1993, Amendment E to the Constitution and Bylaws of the Hopi Tribe of Arizona was submitted to the qualified voters of the Hopi Tribe, and was on Dec. 7, 1993, duly adopted/rejected by a vote of 329 for, and 162 against, and 0 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 776 members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Dennis J. Pacuse
Chairman, Election Board

Election Board Member

Election Board Member

Election Board Member

Election Board Member

Date: 12/07/93

APPROVAL

I, Ada E. Deer, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve Amendment E, hereinafter known as Amendment No. VIII, to the Constitution and Bylaws of the Hopi Tribe of Arizona. This Amendment is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Ada E. Deer

Ada E. Deer
Assistant Secretary - Indian Affairs

Washington, D. C.

Date: DEC 30 1993

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

AMENDMENT F

Section 1(b) of ARTICLE VI - POWERS OF THE TRIBAL COUNCIL shall be amended to read as follows:

(b) To employ lawyers, the choice of lawyers and fixing of fees to be subject to the approval of the Secretary of the Interior so long as required by Federal law.

Having been duly adopted and approved, Proposed Amendment F is hereby designated as Amendment No. IX to the Constitution and Bylaws of the Hopi Tribe of Arizona.

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
HOPI TRIBE OF ARIZONA

AMENDMENT G

The Constitution and Bylaws of the Hopi Tribe shall be amended by adding a new article entitled ARTICLE XI - TAXATION to read as follows:

ARTICLE XI - TAXATION

Section 1. The Hopi Tribal Council shall, subject to the express limitations contained in this Constitution and the laws of the United States, have the power to impose duties, fees, taxes, and assessments on any person, corporation or association residing or doing business within the Hopi Reservation, PROVIDED, That the Tribal Council shall not have the power to impose a personal income tax.

Section 2. No tax imposed by the Tribal Council under Section I of this Article shall become effective unless approved by a majority vote of the eligible voters of the Hopi Tribe voting in a referendum called for that purpose pursuant to Section 8 of Article IV of this Constitution.

Having been duly adopted and approved, Proposed Amendment G is hereby designated as Amendment No. X to the Constitution and Bylaws of the Hopi Tribe of Arizona.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Assistant Secretary - Indian Affairs on September 8, 1993, Amendment F to the Constitution and Bylaws of the Hopi Tribe of Arizona was submitted to the qualified voters of the Hopi Tribe, and was on Dec. 7, 1993, duly adopted/rejected by a vote of 344 for, and 144 against, and 0 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 776 members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chairman, Election Board

Election Board Member

Election Board Member

Election Board Member

Election Board Member

Date: 12/07/93

APPROVAL

I, Ada E. Deer, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve Amendment F, hereinafter known as Amendment No. IX, to the Constitution and Bylaws of the Hopi Tribe of Arizona. This Amendment is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Ada E. Deer
Assistant Secretary - Indian Affairs

Washington, D. C.

Date: DEC 30 1993

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WESTERN REGIONAL OFFICE
2600 North Central Avenue, 4th Floor
Phoenix, Arizona 85004

TAKE PRIDE IN AMERICA

In Reply Refer To:
Tribal Government Services-MS360

JUN 08 2017

JUN 16 2017

RECEIVED
JUL 11 REC'D
TRIBAL OPERATIONS PROGRAM
HOPI TRIBE

Honorable Herman G. Honanie
Chairman, Hopi Tribe
PO Box 123
Kykotsmovi, Arizona 86039

Dear Chairman Honanie:

The Hopi Tribe (Tribe) submitted a request for the Secretary of the Interior to call and conduct a Secretarial election on the proposed amendments to the Constitution and By-laws of the Hopi Tribe (Constitution). The Tribe submitted seven proposed amendments approved by Resolution H-007-2017. On February 24, 2017, the Tribe submitted an Eligible Voters List which was certified by resolution H-024-2017, to complete the Tribe's request for a Secretarial election. On March 15, 2017, a letter was provided to the Tribe which outlined concerns regarding the proposed amendments. The Tribe declined March 23, 2017, by letter, to revise any of the proposed amendments and requested to continue with the Secretarial election process.

The Regional Director authorized the Superintendent, Hopi Agency to call and conduct the Hopi Secretarial election by memorandum dated April 3, 2017. The Secretarial election, conducted by mail out ballot, concluded on May 25, 2017.

As evidenced by the Certificate of Results of Election, signed by the Secretarial Election Board Members on May 25, 2017, the proposed **Amendment A** was adopted by a vote of 296 for and 90 against and 6 cast ballots found to be spoiled in an election in which at least 30 percent of the 698 registered voters cast their ballot.

As evidenced by the Certificate of Results of Election, signed by the Secretarial Election Board Members on May 25, 2017, the proposed **Amendment B** was adopted by a vote of 322 for and 64 against and 6 cast ballots found to be spoiled in an election in which at least 30 percent of the 698 registered voters cast their ballot.

As evidenced by the Certificate of Results of Election, signed by the Secretarial Election Board Members on May 25, 2017, the proposed **Amendment C** was adopted by a vote of 358 for and 28 against and 5 cast ballots found to be spoiled in an election in which at least 30 percent of the 698 registered voters cast their ballot.

As evidenced by the Certificate of Results of Election, signed by the Secretarial Election Board Members on May 25, 2017, the proposed **Amendment D** was adopted by a vote of 340 for and

46 against and 6 cast ballots found to be spoiled in an election in which at least 30 percent of the 698 registered voters cast their ballot.

As evidenced by the Certificate of Results of Election, signed by the Secretarial Election Board Members on May 25, 2017, the proposed **Amendment E** was adopted by a vote of 338 for and 46 against and 7 cast ballots found to be spoiled in an election in which at least 30 percent of the 698 registered voters cast their ballot.

As evidenced by the Certificate of Results of Election, signed by the Secretarial Election Board Members on May 25, 2017, the proposed **Amendment F** was adopted by a vote of 341 for and 35 against and 6 cast ballots found to be spoiled in an election in which at least 30 percent of the 698 registered voters cast their ballot.

As evidenced by the Certificate of Results of Election, signed by the Secretarial Election Board Members on May 25, 2017, the proposed **Amendment G** was adopted by a vote of 357 for and 29 against and 5 cast ballots found to be spoiled in an election in which at least 30 percent of the 698 registered voters cast their ballot.

There were no challenges submitted regarding the results of the Secretarial election, therefore, by my signature on the enclosed Certificates of Approval, the proposed Amendments A-G are hereby approved pursuant to the authority delegated to me by the Secretary of the Interior by 3 IAM 4.

Enclosed with this letter are the amendments, the original Certificates of Approval and the Certificate of Results of Election for your files. As a last note, my decision to approve these amendments are a final agency action 25 C.F.R. §§ 81.45; 81.45(f). Pursuant to the revised Secretarial election regulations, this decision is a final agency action that is not "subject to appeal to a superior authority in the Department." 25 C.F.R. § 2.6.

Congratulations on a successful Secretarial election and should you have any questions, please contact Ms. Sharlot Johnson, Regional Tribal Operations Officer, or Ms. Sophia Torres, Tribal Operations Specialist, for assistance at (602) 379-6786.

Sincerely,

Regional Director

cc: Superintendent, Hopi Agency
Director, Bureau of Indian Affairs

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

Proposed Amendment A

Article IV – The Tribal Council

Sec. 9., second sentence shall be amended to read as follows:

Candidates for the offices of chairman and vice chairman shall be members of the Hopi Tribe, twenty-five years of age or older and must speak the Hopi language.

Having been duly adopted and approved, Proposed Amendment A is hereby designated as Amendment No. XI to the Constitution and By-laws of the Hopi Tribe

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

CERTIFICATE OF RESULTS OF ELECTION

Under a Secretarial election authorized by Bryan Bowker, Regional Director, Western Region, Bureau of Indian Affairs, on APR 03 2017 the attached Amendment A to the Constitution and By-laws of the Hopi Tribe was submitted to the registered voters of the tribe and on May 25, 2017 duly adopted rejected by a vote of 2910 for and 90 against and 10 cast ballots found spoiled in an election in which at least 30 percent of the 6098 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Don J. Tones
Chair of the Secretarial Election Board

Election Board Member

Election Board Member

Date: May 25, 2017

CERTIFICATE OF APPROVAL

Amendment A, to the Constitution and By-laws of the Hopi Tribe which was adopted by the qualified voters of the Tribe on May 25, 2017, is hereby approved and designated as Amendment XI pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and re-delegated to me under 3 IAM 4. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

Regional Director

6/8/17
Date

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

Proposed Amendment B

Article IV – The Tribal Council

Sec. 9., third sentence shall be amended to read as follows:

Each candidate for either of said offices must also have a primary and physical residency on the Hopi Reservation for not less than two years immediately preceding his announcement of such candidacy.

Having been duly adopted and approved, Proposed Amendment B is hereby designated as Amendment No. XII to the Constitution and By-laws of the Hopi Tribe

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

CERTIFICATE OF RESULTS OF ELECTION

Under a Secretarial election authorized by Bryan Bowker, Regional Director, Western Region, Bureau of Indian Affairs, on APR 03 2017 the attached Amendment B to the Constitution and By-laws of the Hopi Tribe was submitted to the registered voters of the tribe and on May 25, 2017 duly adopted / rejected by a vote of 322 for and 104 against and 10 cast ballots found spoiled in an election in which at least 30 percent of the 1098 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chair of the Secretarial Election Board

Election Board Member

Election Board Member

Date: May 25, 2017

CERTIFICATE OF APPROVAL

Amendment B, to the Constitution and By-laws of the Hopi Tribe which was adopted by the qualified voters of the Tribe on May 25, 2017, is hereby approved and designated as Amendment XII pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and re-delegated to me under 3 IAM 4. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

Regional Director

6/8/17
Date

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

Proposed Amendment C

Article IV – The Tribal Council

Sec. 9., shall add the following sentence to the end of the paragraph to read as follows:

A candidate must not have been convicted of a felony or any crime involving moral turpitude within ten (10) years of candidacy.

Having been duly adopted and approved, Proposed Amendment C is hereby designated as Amendment No. XIII to the Constitution and By-laws of the Hopi Tribe

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

CERTIFICATE OF RESULTS OF ELECTION

Under a Secretarial election authorized by Bryan Bowker, Regional Director, Western Region, Bureau of Indian Affairs, on APR 03 2017 the attached Amendment C to the Constitution and By-laws of the Hopi Tribe was submitted to the registered voters of the tribe and on May 25, 2017 duly adopted / rejected by a vote of 358 for and 28 against and 5 cast ballots found spoiled in an election in which at least 30 percent of the 1098 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chair of the Secretarial Election Board

Election Board Member

Election Board Member

Date: May 25, 2017

CERTIFICATE OF APPROVAL

Amendment C, to the Constitution and By-laws of the Hopi Tribe which was adopted by the qualified voters of the Tribe on May 25, 2017, is hereby approved and designated as Amendment XIII pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and re-delegated to me under 3 IAM 4. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

Regional Director

6/8/17
Date

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

Proposed Amendment D

Article IV – The Tribal Council

Sec. 10., shall be amended to read as follows:

Candidates for the offices of Chairman and Vice Chairman shall declare their candidacy with the Hopi Election Board. Candidacy procedures will be made available through the Hopi Election Board and will follow Hopi Election Ordinance #34 of the Hopi Tribe.

Having been duly adopted and approved, Proposed Amendment D is hereby designated as Amendment No. XIV to the Constitution and By-laws of the Hopi Tribe

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

CERTIFICATE OF RESULTS OF ELECTION

Under a Secretarial election authorized by Bryan Bowker, Regional Director, Western Region, Bureau of Indian Affairs, on APR 03 2017 the attached Amendment D to the Constitution and By-laws of the Hopi Tribe was submitted to the registered voters of the tribe and on May 25, 2017 duly adopted / rejected by a vote of 340 for and 46 against and 10 cast ballots found spoiled in an election in which at least 30 percent of the 1098 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chair of the Secretarial Election Board

Election Board Member

Election Board Member

Date: May 25, 2017

CERTIFICATE OF APPROVAL

Amendment D, to the Constitution and By-laws of the Hopi Tribe which was adopted by the qualified voters of the Tribe on May 25, 2017, is hereby approved and designated as Amendment XIV pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and re-delegated to me under 3 IAM 4. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

Regional Director

6/28/17
Date

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

Proposed Amendment E

Article IV – The Tribal Council

Sec. 11., shall be amended to read as follows:

A primary election shall be held on "the second Thursday in September in 2017 and on the second Thursday in September in every fourth year thereafter."

Having been duly adopted and approved, Proposed Amendment E is hereby designated as Amendment No. XV to the Constitution and By-laws of the Hopi Tribe

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

CERTIFICATE OF RESULTS OF ELECTION

Under a Secretarial election authorized by Bryan Bowker, Regional Director, Western Region, Bureau of Indian Affairs, on APR 0 3 2017 the attached Amendment E to the Constitution and By-laws of the Hopi Tribe was submitted to the registered voters of the tribe and on May 25, 2017 duly (adopted) / rejected by a vote of 338 for and 416 against and 7 cast ballots found spoiled in an election in which at least 30 percent of the 1098 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chair of the Secretarial Election Board

Election Board Member

Election Board Member

Date: May 25, 2017

CERTIFICATE OF APPROVAL

Amendment E, to the Constitution and By-laws of the Hopi Tribe which was adopted by the qualified voters of the Tribe on May 25, 2017, is hereby approved and designated as Amendment XV pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and re-delegated to me under 3 IAM 4. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

Regional Director

6/8/17
Date

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

Proposed Amendment F

Article IV – The Tribal Council

Sec. 12., shall be amended to read as follows:

The final election shall be held on the second Thursday in November 2017 and on the second Thursday in every fourth year thereafter.

Having been duly adopted and approved, Proposed Amendment F is hereby designated as Amendment No. XVI to the Constitution and By-laws of the Hopi Tribe

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

CERTIFICATE OF RESULTS OF ELECTION

Under a Secretarial election authorized by Bryan Bowker, Regional Director, Western Region, Bureau of Indian Affairs, on APR 03 2017 the attached Amendment F to the Constitution and By-laws of the Hopi Tribe was submitted to the registered voters of the tribe and on May 25, 2017 duly adopted/ rejected by a vote of 341 for and 35 against and 10 cast ballots found spoiled in an election in which at least 30 percent of the 1098 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chair of the Secretarial Election Board

Election Board Member

Election Board Member

Date: May 25, 2017

CERTIFICATE OF APPROVAL

Amendment F, to the Constitution and By-laws of the Hopi Tribe which was adopted by the qualified voters of the Tribe on May 25, 2017, is hereby approved and designated as Amendment XVI pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and re-delegated to me under 3 IAM 4. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

Regional Director

6/8/17
Date

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

Proposed Amendment G

Article V – Vacancies and Removal From Office

Section 3, third paragraph shall be amended to read as follows:

Vacancies occurring for any reason in the offices of chairman and vice chairman or in the office of any other officer shall be filled for the rest of the term in the same manner as those officers are ordinarily chosen through a Special Election to fill the vacancies of the Chairman, Vice Chairman or both following the Special Election process as stated in Hopi Election Ordinance #34.

Having been duly adopted and approved, Proposed Amendment G is hereby designated as Amendment No. XVII to the Constitution and By-laws of the Hopi Tribe

CONSTITUTION AND BY-LAWS OF
THE HOPI TRIBE
ARIZONA

CERTIFICATE OF RESULTS OF ELECTION

Under a Secretarial election authorized by Bryan Bowker, Regional Director, Western Region, Bureau of Indian Affairs, on APR 03 2017 the attached Amendment G to the Constitution and By-laws of the Hopi Tribe was submitted to the registered voters of the tribe and on May 25, 2017 duly adopted / rejected by a vote of 357 for and 29 against and 5 cast ballots found spoiled in an election in which at least 30 percent of the 1098 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chair of the Secretarial Election Board

Election Board Member

Election Board Member

Date: May 25, 2017

CERTIFICATE OF APPROVAL

Amendment G, to the Constitution and By-laws of the Hopi Tribe which was adopted by the qualified voters of the Tribe on May 25, 2017, is hereby approved and designated as Amendment XVII pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and re-delegated to me under 3 IAM 4. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

Regional Director

6/18/17
Date

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
HOPI AGENCY
P.O. Box 158
Keams Canyon, AZ 86034

TAKE PRIDE IN AMERICA

In Reply Refer To:

JUN 06 2017

Memorandum

To: Regional Director

Through: Superintendent, Hopi Agency

From: Chair of the Secretarial Election Board, Hopi Secretarial Election

Subject: Hopi Tribe's Secretarial Election

The Hopi Tribe (Tribe) submitted a request for the Secretary of the Interior to call and conduct a Secretarial election on the proposed amendments to the Constitution and By-laws of the Hopi Tribe (Constitution). By resolution H-007-2017, the Tribe submitted seven proposed amendments. The Tribe completed its request February 24, 2017, by submitting the Tribe's eligible voters list which was certified by resolution H-024-2017 by the Tribal Council. On March 15, 2017, a letter Regional Director, Western Region, was provided to the Tribe which outlined concerns regarding the proposed amendments. The Tribe responded March 23, 2017, and stated that they do not wish to revise any of the proposed amendments and wish to continue with the Secretarial election process.

The Regional Director authorized the Superintendent, Hopi Agency to call and conduct the Hopi Secretarial election pursuant to Title 25 Federal Code of Regulations Part 81. The Tribe appointed Miona Kaping, Alfonso Sakeva, and Darrell Kewanwytewa as Tribal representatives to be on the Secretarial Election Board and the Superintendent selected a Chair of the Secretarial Election Board, Sophia Torres, Regional Tribal Operations Specialist. The Superintendent contracted the administrative portion of the election to the Hopi Tribe's Tribal Operations Program. The Tribe, then, contracted with Automated Election Services (AES) to prepare the Election materials i.e.; Registration information packets; Election Packets, voting machines to count ballots and final reports on the election results for posting. Registration packets and ballots were mailed by AES.

The Secretarial Election Board, the Hopi Tribal Operations Program, and the Superintendent's Office met April 7, 2017, for the first meeting to set the Secretarial election schedule and discuss the election process. The date of April 10, 2017, was set to mail out the registration packets; however, the AES was unable to complete the packets by that deadline. The packets were sent out April 13, 2017, and the registration deadline was set for April 26, 2017. There were 10,965 eligible voters; however, the total packets mailed were 10, 575. We had 389 eligible voters with no addresses listed on the Eligible Voters List received by the Tribe. Our team decided to post a

list of names of those with no addresses at the local communities so they may request a registration packet from the Hopi Agency or Hopi Tribal Operations Program. We allowed the option of hand delivery or to return the registration by mail. We had 698 eligible voters register.

During the beginning of the Secretarial election process, the Secretarial Election Board worked with the Hopi Tribal Government program to ensure information regarding the Secretarial election was provided to the members in many formats. With the help of the Hopi Tribal Government program, we were successfully able to put information regarding the Secretarial election on the Hopi tribal website, the Hopi Tribe's official newspaper, the Hopi Tutuveni, and posted the information at all the community offices and other locations.

However, we did receive complaints during the registration timeframe from members who called near the deadline of registration stating they did not know a Secretarial election was going on or they would have checked their mail. Some lived too far from the Agency to be able to drop off their registration and would not have enough time to mail one back. We also had calls regarding the language used in proposed Amendment B and the grammatical errors contained in the proposed amendment. We were also asked why there will not be any precinct voting for this election. We referred the members with questions regarding the language in Amendment B to the Tribe for an answer; however, we did provide a response regarding the other questions.

The Superintendent continued to work with the Hopi Tribal Council to correct the typographical errors in the proposed Amendments. As a result, the Hopi Tribal Council provided a letter dated April 25, 2017, which notified the Bureau of Indian Affairs that by motion and unanimous vote the Hopi Tribal Council approved to amend the language to the proposed Amendment B and E as presented by the BIA, Hopi Agency Superintendent by letter April 12, 2017. This approval corrected grammatical errors to proposed amendments B and E. The Regional Director by memorandum dated April 28, 2017, approved changes be made by the Secretarial Election Board to reflect the grammatical error corrections. This was completed before the ballot packets were mailed out.

We posted the Registered Voters List April 26, 2017, and challenges to this list were due May 3, 2017. There were no challenges to the Registered Voters List.

AES mailed out the 698 ballot packets to the registered voters, May 5, 2017. The ballots were due to the Hopi Agency by 4:00 p.m. May 25, 2017.

The Secretarial Election Board, Agency personnel, and the Hopi Tribal Operations Program were present on the last day for registered voters to submit ballots which had to be received by 4:00 p.m. by May 25, 2017. We accepted mailed ballots or hand delivered ballots.

Below is a breakdown of the results of the Hopi Secretarial election:

Proposed Amendment	Total Registered Voters	Voted For	Voted Against	Total Ballots Spoiled	Percentage Participation
A	698	296	90	6	56%
B	698	322	64	6	56%
C	698	358	28	5	56%
D	698	340	46	6	56%
E	698	338	46	7	56%
F	698	341	35	6	55%
G	698	357	29	5	56%

All proposed amendments passed by a high margin and the percentage participated exceeded the 30% participation requirement of those who registered to vote. We had some issues with AES and their voting tabulator machines and had to count the majority of the ballots by hand. Thanks to the members of the Secretarial Election Board and the Hopi Agency staff who completed the final tabulation.

We posted the results of the Secretarial election the same day and to other locations the day after the election, including the Tribe's official website. The last day to challenge the election was May 30, 2017 at 4:00 p.m. No challenges were filed on the results of the Secretarial election.

We are submitting the following for appropriate action:

1) The original text of the material voted on;
2) The Eligible Voter's List;
3) The Secretarial Election Notice Packet;
4) The original completed Certificate of Results of Election; and
5) This written report on the Secretarial election activities

If you have any questions, please contact the Superintendent at (928) 738-2228 or at the address above.

Attachments

cc: Superintendent, Hopi Agency w/o attachments
Hopi Tribal Operations Program w/o attachments

EXHIBIT B

Case No. 26-cv-4092

Date: March 9, 2016

RESOLUTION No. 2016-028

RESOLUTION OF THE UTE MOUNTAIN UTE TRIBAL COUNCIL REFERENCE: SUPPORT FOR THE PROTECTION OF BEARS EARS AS A NATIONAL MONUMENT UTILIZING THE ANTIQUITIES ACT OF 1906 TO FORMALLY PROTECT 1.9 MILLION ACRES THROUGH TRIBAL COLLABORATIVE MANAGEMENT

WHEREAS, the Constitution and By-Laws of the Ute Mountain Ute Tribe, approved June 6, 1940, and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe ("Tribe") is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Tribal Council exercised in this Resolution;

WHEREAS, the Tribal Council has the duty to promote programs that serve the best interests of the Tribe and its members;

WHEREAS, the Ute Mountain Ute Tribe recognizes the historic and ongoing ties to the lands, animals, plants, resources of southeastern Utah, including San Juan County, by Native American people; and

WHEREAS, the proposed *Bears Ears National Monument* area is the ancestral home of many additional Southwestern Native American Tribes, including the Navajo, accompanied by the Hopi, Zuni, Acoma, Zia, and Jemez Pueblos along with the Ute Mountain, Southern, and Uintah Ouray Utes, the San Juan, Kaibab, and Utah Paiute Tribes and the Jicarilla Apache Tribe; and

WHEREAS, the proposed Bears Ears National Monument area is bordered on the west by the Colorado River and on the south by the San Juan River and Navajo Nation reservation, the proposed Bears Ears National Monument area is characterized by prodigious topographic diversity and striking landforms. Containing an intricately rich ecological system, the Ute Mountain Ute and other Tribes depend upon the proposed Bears Ears National Monument area to sustain their traditional livelihoods and cultural practices. Cedar Mesa, the proposed Bears Ears National Monument area's centerpiece offers sprawling vistas while Comb and Butler Washes, as well as Moki, Red, Dark, Grand Gulch, and White canyons support verdant ribbons of riparian habitat. Desert Bighorn Sheep grace the lower desert lands while the 11,000 foot Abajo Mountains host forests of Ponderosa Pine, Spruce, Fir and Aspen, providing a home to Mule Deer, Elk, Black Bear and Mountain Lion, sacred icons of the mesa's original peoples. Paramount for the Ute Mountain Ute Tribe is the proper management of the proposed Bears Ears National Monument area's native plants and wildlife that are food, shelter and medicine and its cultural sites that are central to their spiritual practices.

WHEREAS, the proposed Bears Ears National Monument area includes towering cliffs and mesas bisected by sheer canyons exposing sedimentary layers revealing a geologic history stretching back to when a sea covered this landscape. Containing unsurpassed cultural and paleontological resources; the proposed Bears Ears National Monument area is world renowned for the integrity and abundance

of its archaeological resources. Six cultural special management areas are within the proposed Bears Ears National Monument boundaries; Alkali Ridge National Historic Landmark, the Hole-in-the-Rock Historical Trail and the Grand Gulch, Big Westwater Ruin, Dance Hall Rock, Sand Island Petroglyph Panel, the Newspaper Rock Petroglyph Panel, and the Butler Wash Archaeological District National Register site. Also occurring in the proposed Bears Ears National Monument area is 19 distinct geologic units that are scientifically significant vertebrate and non-vertebrate paleontological resources that are particularly abundant in the Cedar Mountain, Burro Canyon, Morrison and Chinle Formations.

WHEREAS, the proposed Bears Ears National Monument area has been inhabited for greater then 12,000 years by multiple indigenous cultures, who crossed, and built civilizations on these lands. At the Lime Ridge Clovis site is evidence of Paleoindian occupation and the archaeological record indicates widespread use between 6000 B.C. and A.D. 100 by Archaic Peoples. Possessing numerous Archaic Period sites of varying size and complexity are Cedar Mesa, Elk Ridge, and Montezuma Canyon. While other notable sites include Alkali Ridge, Cowboy Cave, Old Man Cave, and Dust Devil Cave. The heaviest occupation of the proposed Bears Ears National Monument lands was perhaps by the Formative Period Peoples, (AD 100-AD 1300) who left very large numbers of archaeological sites ranging from small lithic scatters to large highly complex village sites.

WHEREAS, the proposed Bear's Ears National Monument area is comprised of primarily Bureau of Land Management Wilderness Study Areas and lands with Wilderness Characteristics and U.S. Forest Service Roadless Areas. Vast, remote desert mesas cut by sheer walled serpentine canyons provide unparalleled solitude and scenic quality that is comparable to or exceeds those found in nearby national parks and monuments, such as Canyonlands, Arches, Grand Staircase, Natural Bridges, Hovenweep and Mesa Verde.

WHEREAS, priority management values deserving of protection within the proposed Bears Ears National Monument are: cultural, archaeological, wildlife, natural and scenic resources. An essential aspect of the proposed Bears Ears National Monument's management is to better protect these resources and to ensure their ongoing and sustainable use.

WHEREAS, Native Americans have unique and important cultural and historical ties to the land and its wildlife and other natural resources; and

WHEREAS, Native Americans' connections to the land support Native life and culture in important, life sustaining ways, including: subsistence hunting, fishing and gathering of nature's materials for medicinal, spiritual and other uses, preservation of tribal sacred places and as sources of economic development; and

WHEREAS, Native Americans' shave shown quality and excellence in managing lands and natural resources to protect the cultural integrity of the homeland of Native peoples; and

WHEREAS, southeastern Utah includes many areas of vital importance to Native peoples' identity and history;

WHEREAS, these areas are under constant threat of cultural vandalism, looting of Native cultural sites, indiscriminate off road vehicle use that damages areas sacred to Native peoples, energy development footprints that negatively impact lands of historic and cultural importance, and general degradation of wildlife and plant habitats of importance to Native traditional practices;

WHEREAS, to prevent this rapid destruction of lands in southeastern Utah that are important to Native peoples, formal protection of 1.9 million acres as a Bears Ears National Monument is required utilizing the Antiquities Act of 1906;

WHEREAS, formal protection of southeastern Utah lands as a Bears Ears National Monument will provide important consistency and quality to manage these lands, and to define principles of collaborative management that will positively affect Native values on these lands in the following ways:

- Protection will be a permanent part of a national system of protected lands that carry strong and clear legal definitions of the primacy of conservation of cultural, historical and ecological values that define Native connections to these lands.
- Protection under a National Monument designation creates important opportunities for consultation of Native Americans and participation in management of these resources and increased funding for the protection of these resources with an emphasis on conservation and preservation of the region's cultural and natural resources.
- Protection should be at the largest landscape level possible, providing connectivity of wildlife and plant habitats, ecological integrity of the region and be comprehensive in its protection of Native sacred sites, which cannot be considered out of the context of the larger landscape.
- Protection of lands in southeastern Utah as a Bears Ears National Monument will be a top priority for concerned federal agencies, with public involvement and a prioritization of staffing, resources and cooperation with Native peoples.

WHEREAS, the Tribal Council has reviewed the proposal and believes the action taken by this resolution is in the best interests of the Tribe.

NOW THEREFORE BE IT RESOLVED, that the Ute Mountain Ute Tribe asserts its interest in supporting the utilization of the Antiquities Act of 1906 to protect the Bears Ears landscape, comprised of 1.9 million acres, as a National Monument designation with principles of tribal collaborative management in place to reflect the will and the values of Native peoples whose identities, histories, cultures and futures are inextricably tied to these lands; and

BE IT FINALLY RESOLVED that the Ute Mountain Tribal Council authorizes the Chairman to sign this Resolution and further authorizes him to take such action as may be necessary to carry out the intent of this Resolution.

The foregoing Resolution was duly adopted this 9th day of March, 2016.

Manuel Heart

Manuel Heart, Chairman
Ute Mountain Tribal Council

CERTIFICATION

This is to certify that there was a quorum of 6 Tribal Council members present at a regular meeting of the Ute Mountain Ute Tribal Council held on March 9, 2016, that 5 voted for and 0 opposed this resolution and that this resolution was duly adopted.

Michela Alire

Michela Alire, Recording Secretary
Ute Mountain Tribal Council

EXHIBIT C

Case No. 26-cv-4092

Date: December 21, 2016

RESOLUTION No. 2016-223

RESOLUTION OF THE UTE MOUNTAIN UTE TRIBAL COUNCIL
REFERENCE: RESOLUTION DESIGNATING TRIBAL REPRESENTATIVES TO THE BEARS EARS INTER-TRIBAL COALITION

WHEREAS, the Constitution and By-Laws of the Ute Mountain Ute Tribe, approved June 6, 1940, and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe ("Tribe") is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Tribal Council exercised in this Resolution;

WHEREAS, the Tribal Council is responsible for protecting and promoting the natural, cultural, traditional and archaeological resources of the Tribe and the health and welfare of its members;

WHEREAS, the Ute Mountain Ute Tribe recognizes the historic and ongoing ties to the lands and resources of southeastern Utah;

WHEREAS, the Ute Mountain Ute Tribe's reservation land extends into Utah, which includes the White Mesa community and various tribal and individual trust allotments;

WHEREAS, southeastern Utah also includes many areas of vital importance to the Ute Mountain Ute Tribe's history, and these areas are under constant threat of cultural vandalism, looting of cultural sites, indiscriminate off road vehicle use, energy development that negatively impact lands of historic and cultural importance, and general degradation of wildlife and plant habitats of importance to traditional practices;

WHEREAS, in the Ute Mountain Ute Tribe's ongoing support of a presidential designation of a Bears Ears National Monument, the Tribal Council designates the White Mesa Council Representative, Elaine Cantsee, Tribal Historic Preservation Officer, Terry Knight, and a White Mesa community member, Malcolm Lehi, as representatives on or liaisons to the Bears Ears Inter-tribal Coalition; and

WHEREAS, designated tribal representatives are to attend Coalition meetings and other events that implicate the interests or rights of the Ute Mountain Ute Tribe and are to regularly report to the Tribal Council.

NOW THEREFORE BE IT RESOLVED that the Ute Mountain Ute Tribe designates White Mesa Council Representative, Elaine Cantsee, Tribal Historic Preservation Officer, Terry Knight, and a White Mesa community member, Malcolm Lehi, as representatives on or liaisons to the Bears Ears Inter-tribal Coalition in support of a Bears Ears National Monument designation; and

BE IT FINALLY RESOLVED that the Ute Mountain Tribal Council authorizes the Chairman to sign this Resolution and further authorizes him to take such action as may be necessary to carry out the intent of this Resolution.

The foregoing Resolution was duly adopted this 21st day of December, 2016.

Harold Cuthair
Ute Mountain Tribal Council

CERTIFICATION

This is to certify that there was a quorum of 6 Tribal Council members present at a regular meeting of the Ute Mountain Ute Tribal Council held on December 21, 2016, that 5 voted for and 1 opposed this resolution and that this resolution was duly adopted.

Michela F. Alire, Recording Secretary
Ute Mountain Tribal Council

EXHIBIT D

Case No. 26-cv-4092

DATE: June 28, 2022 **RESOLUTION NO. 2022-092**

RESOLUTION
UTE MOUNTAIN UTE TRIBAL COUNCIL

REFERENCE: APPROVING THE BEARS EARS INTER-TRIBAL COALITION LAND MANAGEMENT PLAN FOR THE BEARS EARS NATIONAL MONUMENT

WHEREAS, the Constitution and by-laws of the Ute Mountain Ute Tribe, approved June 6, 1940, and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribe Council and set forth in Article V the powers of the Ute Mountain Ute Tribal Council exercised in this Resolution;

WHEREAS, the Tribal Council is responsible for protecting and promoting the natural, cultural, traditional and archaeological resources of the Tribe and the health and welfare of its members;

WHEREAS, the Bears Ears National Monument and the overall southeastern region of Utah includes many areas of vital importance to the Ute Mountain Ute Tribe's history, including all areas, lands, objects, natural and cultural resources of significance to the Tribe;

WHEREAS, on October 8th, 2021, the current presidential administration issued Proclamation 10285, restoring the Bears Ears National Monument to 1.36 million acres and reestablished the Bears Ears Commission in accordance with the terms, conditions, and obligations set forth in Proclamation 9558 to provide guidance and recommendations on the development and implementation of management plans and on management of the entire monument;

WHEREAS, the Bears Ears Inter-Tribal Coalition has been working toward and now completed the Bears Ears Land Management that incorporates and synthesizes the perspectives of each Tribe;

WHEREAS, in accordance with Proclamation 10285 and 9558, the Land Management Plan will be submitted by the Tribes as input in the development and implementation toward a final monument management plan to be authored by the Bureau of Land Management and the U.S. Forest Service;

WHEREAS, having reviewed and considered the Bears Ears Inter-Tribal Coalition Land Management Plan, approving the Plan is in the best interest of protecting the lands and resources, and a step forward in the collaborative management of the Bears Ears National Monument.

NOW THEREFORE BE IT RESOLVED that the Ute Mountain Ute Tribal Council authorizes and approves of the Bears Ears Inter-Tribal Coalition Land Management Plan for the Bears Ears National Monument; and

BE IT FINALLY RESOLVED that the Ute Mountain Tribal Council authorizes the Chairman to sign this Resolution and further authorizes him to take such action or delegate such action as may be necessary to carry out the intent of this Resolution.

Manuel Heart

Manuel Heart, Chairman
Ute Mountain Ute Tribal Council

CERTIFICATION

This is to certify that there was a quorum of 7 Tribal Council Members present at the official meeting of the Ute Mountain Ute Tribal Council meeting held on June 28, 2022, that 6 voted for this resolution, with __ opposing, and that the above resolution was, therefore, duly adopted.

M. House

Marilynn House, Recording Secretary
Ute Mountain Ute Tribe

EXHIBIT E

Case No. 26-cv-4092

CONSTITUTION OF THE ZUNI TRIBE
ZUNI RESERVATION,
ZUNI, NEW MEXICO

PREAMBLE

We, the members of the Zuni Tribe, Zuni Indian Reservation, New Mexico, in order to secure to us and to our posterity the political and civil rights guaranteed to us by treaties and by the Constitution and statutes of the United States; to secure educational advantage; to encourage good citizenship; to exercise the right of self-government; to administer both as a municipal body and as a proprietor of our tribal affairs; to utilize, increase and protect our tribal resources; to encourage and promote all movements and efforts leading to the general welfare of our tribe; to guarantee individual rights and freedom of religion; and to maintain our tribal customs and traditions; do ordain and establish this constitution.

ARTICLE I – JURISDICTION

The jurisdiction of the Zuni Tribe, Zuni Indian Reservation exercised through the Zuni Tribal Council, the Executive Department and the Judicial Department, acting in accordance with this constitution and the ordinances adopted in accordance herewith, shall extend to all tribal lands included within the present boundaries of the Zuni Indian Reservation and to such other lands as may hereafter be added thereto, unless otherwise provided by law. This jurisdiction shall apply to and be for the benefit and protection of all Indians who now, or may in the future, reside on the Zuni Reservation. The name of this organization shall be the Zuni Tribe.

ARTICLE II – MEMBERSHIP

Section 1. The membership of the Zuni Tribe, Zuni Indian Reservation, shall consist of the following:

a. All persons enrolled on the Zuni Agency census roll of April 1, 1963; provided that the roll may be corrected at any time by the tribal council, subject to the approval of the Secretary of the Interior.

b. All descendants of such persons, provided such descendants shall have not less than one-quarter (1/4) Zuni Indian blood.

c. The membership roll of the Zuni Tribe shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the tribe; and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Zuni Tribal Council, and by adding thereto the names of persons who meet the membership requirements and who comply with the procedure for enrollment as members of the tribe. The membership roll will be maintained by the tribal secretary.

Section 2. The Zuni Tribal Council shall determine eligibility for membership in the Zuni Tribe. No decree of any outside court determining paternity or degree of Zuni Indian blood shall be binding on the tribe for membership purposes.

Section 3. The Zuni Tribal Council shall have the authority to enact ordinances, consistent with this constitution, governing future membership, and to establish enrollment procedures, which ordinances

shall be subject to approval by the Secretary of the Interior. No person shall be adopted as a member unless he shall have at least one-quarter (1/4) degree Indian blood.

Section 4. Honorary tribal membership may be bestowed by the Governor of the Zuni Tribe. This honorary membership will entitle the individual to the title of "honorary tribal member" only.

Section 5. No person may be at the same time enrolled as a member of the Zuni Tribe and as a member of any other Indian tribe.

ARTICLE III – BILL OF RIGHTS

Section1. Subject to the limitations prescribed by this constitution, all members of the Zuni Tribe shall have equal political rights and equal opportunities to share in tribal assets, and no member shall be denied freedom of conscience, speech, religion, association or assembly, nor shall he be denied the right to bear arms.

Section 2. The Zuni Tribe, in exercising its powers of self-government, shall not:

a. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

b. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

c. Subject any person for the same offense to be twice put in jeopardy;

d. Compel any person in any criminal case to be a witness against himself;

e. Take any private property for a public use without just compensation;

f. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, at his own expense, to have the assistance of counsel for his defense;

g. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments and in no event impose for conviction of any one offense any penalty, punishment or fine the imprisonment for a term of up to one year or a fine of up to $5,000, or both;

h. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

i. Pass any bill of attainder or *ex post facto* law; or

j. Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

History

Section 2 (g) read "Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both;"

October 23, 2014 amended to "Require excessive bail, impose excessive fines, inflict cruel and unusual punishments and in no event impose for conviction of any one offense any penalty, punishment or fine the imprisonment for a term of up to one year or a fine of up to $5,000, or both;

The purpose of this amendment is to increase the amount of fine and imprisonment that the Zuni Tribe may impose upon conviction of a criminal offense. Imprisonment terms could be for a term of up to one (1) year or a fine of up to $5,000, or both. This is consistent with the limits imposed by the Indian Civil Rights Act, 25 U.S.C §1302.

ARTICLE IV – ORGANIZATION OF THE GOVERNMENT OF THE ZUNI TRIBE

Section 1. The government of the Zuni Tribe shall consist of a Legislative, and Executive, and a Judicial Department.

ARTICLE V – THE LEGISLATIVE DEPARTMENT: COMPOSITION AND QUALIFICATIONS

Section 1. The legislative authority of the Zuni Tribe shall rest in the Zuni Tribal Council, hereinafter sometimes called the tribal council, which shall hold its sessions at Zuni, New Mexico.

Section 2. The tribal council shall consist of eight (8) members, including a governor and lieutenant governor, all elected at large by popular vote as hereinafter provided.

Section 3. No person shall serve as a member of the Zuni Tribal Council while holding any other elective office, or policy making or judicial position, with the tribe.

Section 4. Members of the Zuni Tribal Council shall be no less than twenty-five (25) years of age at the time of their election and shall have lived within the reservation for not less than one (1) year immediately preceding the date of the election. Any person who has been convicted of a felony shall be ineligible for membership on the Zuni Tribal Council for a period of not less than three (3) years following release from confinement.

ARTICLE VI – AUTHORITIES OF THE TRIBAL COUNCIL

Section 1. The Zuni Tribal Council, as the legislative body of the tribe, shall exercise the following authorities subject to any limitations imposed by statutes of the United States applicable to Indians or Indian tribes, and subject to all expressed restrictions contained in this constitution.

a. To regulate its own procedures; to appoint subordinate boards, committees, officials and employees not otherwise provided for in this constitution and to prescribe their salaries, tenure and duties, provided that the tribal council shall, by appropriate ordinance, establish the personnel policies and procedures of the tribe, including a requirement that a statement of qualifications and standards be developed and published for all personnel employed by the tribe;

b. To establish tribal corporations, associations and other subordinate organizations for economic and other purposes, and to transfer assets of the tribe thereto for management and control;

c. To borrow money for tribal purposes;

d. To represent the tribe, and to act in all matters that concern the welfare of the tribe;

e. To negotiate with the Federal, State or local governments, and with the governments of other Indian tribes, and to advise and consult with representatives of the Interior Department on all activities that may affect the tribe, and in regard to all appropriation estimates and Federal projects for the benefit of the tribe before such estimates or projects are submitted to the Bureau of the Budget and to Congress;

f. To prevent the sale, disposition, lease or encumbrance of tribal land, interests in land, water, minerals or other tribal assets; to approve and provide for the execution of any sale, grant, lease, or relinquishment of any interests in land, water, minerals or other assets of the tribe or the use thereof, subject to the approval of the Secretary of the Interior where required by law;

g. To regulate the use of tribal property; to protect the wildlife and natural resources of the tribe; to foster Indian arts and crafts; to administer charity; to levy and collect taxes and fees on tribal members; and to impose taxes or fees on non-members of the tribe doing business on the Zuni Reservation, provided that the imposition of such taxes and fees on non-members of the tribe shall be in conformity with appropriate ordinances subject to approval by the Secretary of the Interior. All actions of the tribal council relating to the use and protection of tribal lands shall be in conformity with applicable regulations of the Department of the Interior designed for the protection of Indian range and timber resources;

h. To appropriate and administer any funds or property within the exclusive control of the tribe and to make expenditures from available funds for public purposes of the tribe, including salaries and remuneration of officers and other employees; limited only by provisions of this constitution;

i. To provide by ordinance, subject to approval by the Secretary of the Interior, for the removal or exclusion from the reservation of non-members, whose presence may be injurious or undesirable to the tribe or the members thereof;

j. To employ legal counsel for the protection and advancement of the rights of the tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law;

k. To enact ordinances, subject to approval by the Secretary of the Interior, for the maintenance of peace and order on the Zuni Reservation; for the protection of individual rights and property of tribal member; to govern the inheritance of personal property of tribal members; and to provide for the appointment of guardians for minors and mental incompetents;

l. To provide for the enforcement of tribal ordinances;

m. To provide by ordinance for the conduct of tribal elections and the orderly management of tribal affairs;

Section 2. The tribal council shall approve an annual budget to finance the programs and governmental functions of the tribe. No expenditures of tribal funds will be made except in conformity with the approved tribal budget.

ARTICLE VII – MEETINGS OF THE ZUNI TRIBAL COUNCIL: QUORUM

Section 1. At the first meeting of the Zuni Tribal Council after each regular election, the tribal council shall see that the members have a correct and clear understanding of the constitution, and procedures regulating the conduct of the governing body of the tribe.

Section 2. The tribal council shall meet at least once each month.

Section 3. Special meetings may be called by the Governor of the Zuni Tribe, or at the request of not less than four (4) members of the tribal council.

Section 4. A legal quorum of the Zuni Tribal Council for the conduct of official business shall be four (4) or more councilmen and the presiding officer. The presiding officer shall be entitled to vote as a member of the tribal council.

Section 5. No enactment of the tribal council shall have any validity or effect in the absence of a quorum of the membership thereof at a legally called session.

Section 6. Only regularly called meetings, or meetings announced by written notice to each council member and posted on the official tribal bulletin board, shall constitute legally called sessions.

ARTICLE VII – CONFLICTS OF INTEREST

Section 1. Any councilman who may be personally interested in any matter before the Zuni Tribal Council shall not vote on such matter without the consent of the remaining members. Failure to reveal a personal interest, not similarly shared by all members of the council, to the Zuni Tribal Council, in a matter before the council, shall constitute dereliction of official duty, and may be cause for removal from office.

ARTICLE IX – TRIBAL ENACTMENTS

Section 1. All final decisions of the Zuni Tribal Council on matters of general and permanent interest to members of the Zuni Tribe and to the tribal administration shall be embodied in resolutions or ordinances. Such enactments shall be available for inspection by members of the Zuni Tribe at normal office hours.

Section 2. All final decisions of the Zuni Tribal Council on matters of temporary interest or relating to particular individuals, officials or committees shall be noted in the minutes of the council deliberations and shall be available for inspection by members of the Zuni Tribe during normal office hours.

Section 3. All resolutions and ordinances shall be dated and numbered, and shall include a certification showing the presence of a quorum and the number of tribal council members voting for and against any proposed enactment.

Section 4. Every resolution or ordinance passed by the tribal council shall, within five (5) days of its passage, be presented to the governor for approval. If he approves, he shall sign it within ten (10) days following its receipt and deposit it with the secretary of the Zuni Tribe for such further action as may be necessary. If he does not sign an enactment of the tribal council within ten (10) days following its receipt

by him, he shall, at the next legally constituted meeting of the tribal council following its submittal to him for signature, return it to the tribal council with a statement of his objections. It shall thereafter not become effective unless it is again approved by at least five (5) council members voting in favor of the issue.

Section 5. Any enactment of the tribal council which is subject to approval by the Secretary of the Interior shall be presented to the Superintendent of the Zuni Agency who shall, within ten (10) days following receipt thereof, transmit the same to the Secretary of the Interior with his recommendation for or against approval.

ARTICLE X – THE SECRETARY OF THE COUNCIL

Section 1. The secretary of the tribal council shall be appointed by the governor from within or without the membership of the tribal council, with the concurrence of a majority of the members of the tribal council.

Section 2. The secretary shall call the roll, handle all official correspondence of the council, keep the minutes of all regular and special meetings of the tribal council, and it shall be his duty to submit promptly to the tribal governor and the Superintendent of the Zuni Agency copies of minutes of all regular and special meetings of the tribal council.

ARTICLE XI – THE EXECUTIVE DEPARTMENT

Section 1. The governor, lieutenant governor and the treasurer shall comprise the executive department of the tribal government, exercising the authorities set forth in this constitution, and such other authorities as the tribal council may, from time to time, by appropriate ordinance, delegate to the executive officers.

Section 2. The governor and lieutenant governor shall be elected as provided in this constitution.

ARTICLE XII – DUTIES OF EXECUTIVE OFFICERS

Section 1. The Governor of the Zuni Tribe shall exercise the following authorities as the chief executive officer of the tribe; and such other authorities as the tribal council may assign.

a. The governor shall preside over meetings of the Zuni Tribal Council;

b. The governor shall appoint all non-elected officials and employees of the executive department of the tribal government and shall direct them in their work, subject only to applicable restrictions embodied in this constitution or in enactments of the tribal council establishing personnel policies or governing personnel management;

c. The governor, subject to the approval of the tribal council, may establish such boards, committees or subcommittees as the business of the council may require, and shall serve as an ex-officio member of all such committees and boards;

d. The governor shall serve as contracting officer for the tribe, following approval of all contracts by the tribal council;

e. The governor shall have veto power over enactments of the tribal council, as provided in Article IX, Section 4;

f. The governor shall present a budget for consideration by the tribal council not less than sixty (60) days before the beginning of the fiscal year of the tribe. The proposed budget shall be posted in not less than three (3) public places for at least ten (10) days prior to presentation of the budget to the council. It shall be the responsibility of the governor to operate the tribal government within the approved budget. The annual tribal budget shall be subject to approval by the Secretary of the Interior as may be required under Federal Law;

g. The governor shall direct the tribal police, to assure the enforcement of ordinances of the tribal council;

h. The governor shall hold no other tribal office or engage in private remunerative employment without the consent of the tribal council, during his term as governor.

Section 2. In the absence of the governor, the lieutenant governor or a governor pro tempore, who may be appointed by the governor from within the membership of the tribal council, shall preside and shall have all authorities, privileges and duties of the governor. The lieutenant governor shall perform such other duties as the governor, with the consent of the tribal council, may direct.

Section 3. All checks shall be signed and all vouchers shall be approved for payment by two (2) officers of the Zuni Tribal Council as follows: The governor or, in his absence, the lieutenant governor or the governor pro tempore, together with the treasurer or, in his absence, the secretary.

Section 4. The tribal council will require all tribal officials and employees who handle tribal funds to be placed under surety bond. The premium for the bond shall be paid by the tribe.

ARTICLE XIII – TREASURER

Section 1. The treasurer shall be appointed from within the tribal council by the governor, with the concurrence of a majority of the members of the tribal council.

Section 2. The treasurer may be removed from office by the governor with the concurrence of a majority of the members of the tribal council.

Section 3. The treasurer shall supervise the tribal accountant, and shall be responsible to accept, receipt for, keep and safeguard all funds under the exclusive control of the Zuni Tribe by depositing them in a bank insured by an agency of the Federal Government, or in tribal accounts as directed by the governor, and shall keep an accurate record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his custody to the tribal council at regular meetings, and at such other times as the governor may direct. He shall not authorize payment or disbursement of any funds in the custody of the tribe except as duly authorized by the approved tribal budget.

Section 4. The books and records of the treasurer shall be audited at least once each year by a competent auditor, and at such other times as the governor or the tribal council may require.

ARTICLE XIV – THE JUDICIAL DEPARTMENT

Section 1. The trial court shall consist of a chief judge and two associate judges, appointed by the Governor of the Zuni Tribe, with the concurrence of the tribal council. Any one of the judges may hold court as determined by the chief judge.

Section 2. By ordinance, subject to the approval by the Secretary of the Interior, the tribal council shall establish a court of appeals.

Section 3. The tenure of trial judges shall be six (6) years. Their salary shall be established by ordinance of the tribal council.

Section 4. No person shall be appointed to the office of trial judge unless he is at least thirty (30) years of age and not more than seventy (70) years of age; nor shall any person be appointed as a trial judge who has ever been convicted of a felony or within one year, of a misdemeanor.

Section 5. The Trial and Appellate Courts of the Zuni Tribe shall have jurisdiction over all criminal offenses and civil causes involving Indians on the Zuni Reservation, except such offenses as may fall within the exclusive jurisdiction of Federal or State courts.

Section 6. The duties, jurisdiction and procedures of the courts of the Zuni Tribe shall be more fully prescribed by appropriate ordinances which will constitute the tribal law and order code, enacted pursuant to Article VI, Section 1(k).

ARTICLE XV – NOMINATIONS AND ELECTIONS

Section 1. The Zuni Tribal Council shall, by appropriate ordinance, establish procedures and regulate the conduct of all tribal elections, including the nomination of candidates for all elective offices of the tribe, the appointment of an election board, the registration of voters, the filing and posting of election notices, and absentee voting.

Section 2. Any qualified member of the tribe may become a candidate for any elective office of the tribe.

Section 3. The candidates for office of governor and lieutenant governor shall run for office as a team on a single ticket.

Section 4. All voting for candidates to office on the Zuni Tribal Council shall be by secret ballot, the form of which shall be established by ordinance of the Zuni Tribal Council

Section 5. Any member of the Zuni Tribe who is eighteen (18) years of age, or older, who has registered to vote and who presents himself at the polls on election day shall be entitled to vote.

Section 6. The regular election of the Zuni Tribe shall be held every four (4) years on a date to be set by the Zuni Tribal Council, to be called and held during the period intervening between the end of Shalako and the beginning of the winter Teshkwi. The first election under this constitution shall be held on a date to be set by tribal council in 1970. The incumbent tribal council members, at the time of the adoption of this constitution, shall hold office until the expiration of the term for which they were elected, and until their successors are duly elected and installed on the first day after the winter Teshkwi.

Section 7. The candidates for governor, lieutenant governor, and councilmen receiving the largest number of votes shall be elected for terms of four (4) years. Elected officials shall serve until their successors are elected and installed. The winning candidates shall be installed on the first day after the winter Teshkwi. The two councilmen receiving the largest number of votes shall be known as the head councilman and lieutenant governor's councilman, respectively.

ARTICLE XVI – OATH OF OFFICE

The newly elected Governor, Lieutenant Governor, and members of the Zuni Tribal Council shall be required to individually take an oath of office at the time of their installation. The Head Cacique will delegate his authority to administer the oath of office to a Zuni religious leader in accordance with the Zuni religious hierarchy.

OATH OF OFFICE

On this day, with authority vested unto me, and with the powers bestowed upon me, I entrust unto you, our lands and our people. As humble as you may be; lack of oratory to express yourself fluently, to the best of your ability, be the protector, for your people against all enemies and strangers. You will cherish and protect all that contains life to your people. You will faithfully execute the duties of your office to the best of your ability. You will refrain from harsh use of words to your people to the best of your ability and be impartial when making judgment in settlements.

This, I give the blessing of our spiritual fathers onto you.

I bestow this oath of office to you, with the breath of our spiritual leaders four times.

History

Article XVI read "All newly elected officers and members of the Zuni Tribal Council shall be required to take an oath of office, as shown below, at the time of their installation. Such oath shall be administered by the Head Cacique of the Pueblo and his aides.

OATH OF OFFICE

"Into your care we entrust our land and our people. Regardless of whether you are poor, or lack the oratory to express yourself fluently, you will, to the best of your ability, be the protector, impartially, for your people. The stranger who comes into our land will become as one of your people, regardless of race, color or creed, and you will give unto them the same protection and rights as you would your own. You will cherish and protect all that contains life; from the lowliest crawling creature to the human. By hasty word or deed you will refrain from hurting the feelings, both mentally and physically, of your people. In times when you, to the best of your ability and judgment, have resorted to every peaceful means of bringing reason to an individual, on a matter, and that individual, through stubborness, remains contrary to the point of disrespect for the office you hold, and would, through his action, be a bad example to his fellowmen, you will question him four times if he will continue to set aside peaceful intelligent reasoning. If his answer is yes the four times, then you may strike him with the flat of your hand, and four times if necessary."

October 23, 2014 amended to "The newly elected Governor, Lieutenant Governor, and members of the Zuni Tribal Council shall be required to individually take an oath of office at the time of their installation. The Head Cacique will delegate his authority to administer the oath of office to a Zuni religious leader in accordance with the Zuni religious hierarchy.

OATH OF OFFICE

On this day, with authority vested unto me, and with the powers bestowed upon me, I entrust unto you, our lands and our people. As humble as you may be; lack of oratory to express yourself fluently, to the best of your ability, be

the protector, for your people against all enemies and strangers. You will cherish and protect all that contains life to your people. You will faithfully execute the duties of your office to the best of your ability. You will refrain from harsh use of words to your people to the best of your ability and be impartial when making judgment in settlements.

This, I give the blessing of our spiritual fathers onto you.

I bestow this oath of office to you, with the breath of our spiritual leaders four times."

The intent of this amendment is to set out an installation process for the newly elected Governor, Lieutenant Governor, and members of the Tribal Council to ensure an orderly transition of tribal government after an election. This is to prevent disruption of tribal government activities and services if the oath of office is not given as required by the Constitution.

ARTICLE XVII – VACANCIES, REMOVAL AND RECALL FROM OFFICE, SUCCESSIONS TO OFFICE

Section 1. Any member of the tribal council, judge, or elected officer of the Zuni Tribe who, during his term is convicted of any felony, shall automatically forfeit his office. Any member of the tribal council, judge, or elected officer found guilty of a misdemeanor involving moral turpitude, gross neglect of duty, malfeasance in office or misconduct reflecting on the dignity and integrity of the tribal government, may be removed from office if not less than five (5) members shall cast ballots in favor of removal at a legally called meeting. Before any vote for removal from office is taken, such member, judge, or officer shall be given a written statement of the charges against him at least five (5) days before the meeting of the tribal council at which he is to appear, and he shall be given an opportunity to answer any and all charges at the designated council meeting. The decision of the tribal council shall be final.

Section 2. Upon receipt of a petition signed by at least twenty-five percent (25%) of those entitled to vote demanding recall of any member of the tribal council, or elected officer, filed with the secretary of the tribal council at least four (4) months before the expiration of such council member's or official's term of office, it shall be the duty of the tribal council to call a special election upon the question of recall. Such election shall be held not less than twenty-five (25) or more than forty (40) days from the filing of the petition. No council member or elected officer may be recalled unless at least two-thirds (2/3) of the voters casting ballots vote in favor of the recall, and unless at least thirty percent (30%) of those entitled to vote cast their ballots in the election.

Section 3. With the exception of the governor and the lieutenant governor, any member of the Zuni Tribal Council, who may resign, or may be removed from office, shall be replaced at special election to be called and held by the Zuni Tribal Council in conformity with this constitution and ordinances of the tribal council. In the event the governor resigns, dies, becomes otherwise incapacitated or is removed from office, his unexpired term shall be filled by the lieutenant governor. The head councilman will succeed to the office of the lieutenant governor. An election will be called to replace the head councilman.

Section 4. If a member of the tribal council fails to attend four (4) legally called successive meetings of the tribal council or a committee thereof, of which he is a member, or any combination of tribal council or such committee meetings, he shall automatically cease to be a member of the tribal council. In such

event, the tribal council shall declare the position vacant and the governor shall arrange for a special election to choose a successor to serve the unexpired term, unless such member:

a. Is excused by the tribal council, or

b. Is absent by reason of illness, or due to reasons beyond his control which are satisfactory to the tribal council.

Section 5. In the event of a vacancy, for any cause, in the membership of the tribal council, the unexpired term corresponding to the vacancy shall be filled by a qualified person in accordance with this constitution and in conformity with established tribal election procedures.

ARTICLE XVIII – CULTURAL AND HISTORIC PRESERVATION

Section 1. The Zuni Tribe values its cultural resources as priceless because of the importance to the Zuni culture and heritage, traditional knowledge and traditional cultural practices. The Zuni Tribe asserts and maintains collective property rights in tribal cultural objects and sites, wherever they are located. The Zuni Tribe asserts the collective right to maintain, control, protect and preserve its cultural resources on behalf of its people and culture.

Section 2. Zuni cultural resources include all objects created by tribal members and ancestors used in traditional cultural practices, whether portable or embedded in the ground, or painted, drawn or carved on to any surface; all sites and places used for traditional cultural practices or that hold cultural significance to the Zuni Tribe; and all intellectual property such as dances and songs.

Section 3. Such Zuni cultural resources are not individually owned but are held in trust for the Zuni people by an authorized caretaker or caretakers according to Zuni culture and tradition. No such traditional caretaker, or any other person, has, or has ever had, the individual property right or authority under Zuni law, culture or tradition to sell or dispose of cultural resources within their care or possession. No person has the authority to misuse or destroy Zuni cultural resources.

Section 4. The Zuni Tribe shall have the rights of replevin and repatriation and the right to seek injunctive and declaratory relief or take any other action under the civil and criminal laws of the Zuni Tribe in the Zuni tribal court or in any court of competent jurisdiction to protect and recover Zuni cultural resources. This includes the right to seek civil and criminal penalties against any tribal member, Indian or non-Indian who violates this Article.

History
Article XVIII was added in its entirety on October 23, 2014.
The intent of this amendment is to create a new Article in the Zuni Constitution to protect and preserve Zuni cultural resources that are of sacred, cultural, traditional or historical importance to the Zuni Tribe.

ARTICLE XIX – INHERENT POWERS OF THE ZUNI TRIBE

Section 1. No provision of this constitution shall be construed as a limitation of the inherent residual sovereign powers of the Zuni Tribe. Any such powers, not delegated to the representative tribal government by this constitution, are retained for direct exercise by the people through referendum, as provided for herein, or for exercise by the tribal government following amendment of the constitution.

History

Article XVIII became Article XIX, with the amended addition of Article XVIII – CULTURAL AND HISTORIC PRESERVATION.

ARTICLE XX – AMENDMENTS

Section 1. This constitution may be amended at an election authorized by the tribal council by a majority of all members of the tribal council, or upon receipt of a signed petition with a minimum of thirty percent (30%) of those entitled to vote.

Section 2. If at such election, the amendment is adopted by majority vote of the qualified voters of the tribe voting therein, and if the number of ballots cast represents not less than thirty percent (30%) of those entitled to vote, such amendment shall be submitted to the Governor, Lieutenant Governor and Tribal Council for public posting on the next business day and it shall thereupon take effect.

History
Article XX, previously referred to as XIX, read "Section 1. This constitution may be amended at an election which shall be authorized by the Secretary of the Interior upon request by the tribal council:

a. Whenever by majority vote of all members of the tribal council, the governing body of the tribe shall authorize the submission of a proposed amendment to the electorate of the tribe, or

b. Whenever a minimum of thirty percent (30%) of those entitled to vote, by signed petition, shall request such amendment.

Section 2. If, at such election, the amendment is adopted by a majority vote of the qualified voters of the tribe voting therein, and if the number of ballots cast represents not less than thirty percent (30%)of those entitled to vote, such amendment shall be submitted to the Secretary of the Interior and, if approved by him, it shall thereupon take effect."

October 23, 2014 amended to "Section 1. This constitution may be amended at an election authorized by the tribal council by a majority of all members of the tribal council, or upon receipt of a signed petition with a minimum of thirty (30%) of those entitled to vote.

Section 2. If at such election, the amendment is adopted by majority vote of the qualified voters of the tribe voting therein, and if the numbers of ballots cast represents not less than thirty percent (30%) of those entitled to vote, such amendment shall be submitted to the Governor, Lieutenant Governor and Tribal Council for public posting on the next business day and it shall thereupon take effect."

Article XIX became Article XX, with the amended addition of Article XVIII – CULTURAL AND HISTORIC PRESERVATION.

The intent of this amendment is to remove the requirement that the Secretary of the Interior must authorize and conduct a Secretarial election to amend the Zuni Constitution. It would allow the Tribe to exercise self-determination by amending its own constitution through a vote of tribal members at a tribal election without the consent of the federal government.

ARTICLE XXI – REFERENDUM

Section 1. Upon receipt of a petition signed by at least thirty percent (30%) of those entitled to vote and filed with the secretary of the tribal council demanding a referendum thereon, any proposed or enacted resolution, ordinance or other action of the tribal council shall either be repealed by the tribal council or be submitted by it to the electorate for decision by the tribe in a general election to be held within thirty (30) days after receipt of the petition. The referendum shall be conclusive only if at least thirty percent (30%) of those entitled to vote cast their ballots therein.

Section 2. When a majority of the members of the tribal council shall request a referendum on any proposed or enacted resolution, ordinance or other action of the tribal council, the tribal council shall call an election within thirty (30) days thereafter at which those entitled to vote shall approve or disapprove, by majority vote, the ordinance or action in question; provided, however, that such approval or disapproval shall be effective only in the event thirty percent (30%) or more of those entitled to vote cast their ballots in such election.

Section 3. No referendum conducted pursuant to the provisions of Sections 1 or 2 above shall serve or abrogate, modify, or amend any properly approved contract or agreement with third parties.

History
Article XX became Article XXI, with the amended addition of Article XVIII – CULTURAL AND HISTORIC PRESERVATION.

ARTICLE XXII – RATIFICATION

Section 1. This constitution, when adopted by majority vote of the qualified voters of the Zuni Tribe, voting at an election authorized for that purpose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballot, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from and after the date of his approval.

History
Article XXI became Article XXII, with the amended addition of Article XVIII – CULTURAL AND HISTORIC PRESERVATION.

APPROVAL

I, Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution of the Zuni Tribe, Zuni Reservation, Zuni, New Mexico.

Approval recommended /s/ G. Smioh
Associate Commissioner of Indian Affairs

/s/ Harrison Loesch
Assistant Secretary of the Interior

Washington, D.C.
Date: Aug. 13, 1970