USDA Says Apache Religious Rights Can’t Block Copper Mine

More on pg. 15

Greetings form the 2021 Virtual 100 Mile Club
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Hopi Cultural Center Re-Opening Doors to the Public

- More on pg. 14

Lawmakers focus on justice reform, racist mascots
- More on pg. 14
Second Mesa, Ariz. – May 27, 2021, last year in 2020, during the pandemic, many stores and restaurants closed doors and services due to the rising cases of people getting sick from the COVID-19 coronavirus in the state of Arizona. The Hopi reservation was no exception to the restrictions and the closure of businesses, stores and restaurants due to the rising numbers of COVID-19 cases on Hopi.

One particular restaurant on the Hopi reservation, the Hopi Cultural Center, located on Second Mesa, Ariz. also referred to as the “Center of the Universe” in the Cultural Center menu; shut its doors to the public in 2020, following the Executive Order mandates of the Hopi Tribe. Manager of the Cultural Center, Lamar Keevama, stated, “We had shut our doors not only due to the Covid pandemic but because of the water issues we had been dealing with, the water issues are fixed now.”

Amidst the pandemic in 2020 the Hopi Cultural Center wanted to re-open its doors but with restrictions from the Tribal government, made it impossible to do so. To-go orders were served to keep the restaurant somewhat afloat but with limited staff, due to the risk of people getting sick and which once again, made it impossible to keep the restaurant open to the public. Hopi Cultural Center closed its doors to the public once again, on November 25, 2020.

While the doors were closed to the public no food was served nor was any to-go orders available. Having the doors closed did provide an opportunity which resulted in changes to the Hopi Cultural Center’s restaurant layout, enabling it to better serve people once the pandemic was over with.

Keevama stated, “The transition of rebuilding the interior we made a front “Grab and Go” center which consists of sandwiches, soda, water, and more. This transition is for the general public to have customers come in and just grab and go lunches on the go.”

Several of the employees that worked there were temporarily laid off due to not having any customers and/or business to serve. This resulted in employees seeking jobs on or off the reservation. Keevama stated, “Our dining area is fixed and we are in compliance to the CDC regulations and staff still has to abide by the CDC regulations of wearing masks, washing hands, and sanitizing areas.

On April 26, 2021 the Hopi Cultural Center re-opened its doors to the general public to serve its famous Hopi cuisine and local dinner favorites. Keevama is happy once again to see that the Hopi Cultural Center is finally in operable condition, to see all of the smiling faces come through its doors even when they have to were a face mask and follow their policies.

Keevama also stated, “I am excited to re-open the doors and I am looking forward to a good year, hopefully we will be open forever to serve both visiting guests and the Hopi community.”

Keevama also mentioned that the hotel will likely be opened in mid-June this year, so Keevama and his staff are excited to open that back up to the public.

The Hopi Cultural Center is the place to go when you are feeling hungry or want to eat their local famous, Hopi Hot Beef. So, if you are in the area of the “Center of the Universe”, the doors are now open at the Hopi Cultural Center for those who want to take a visit.
Executive Order #010-2021 Hopi Phase Three Re-Opening
Itam soosoyam qale 'ykiní

"WHEREAS, The Constitution and By-laws of the Hopi Tribe, ARTI-
CLE VI POWERS OF THE TRIBAL
COUNCIL, SECTION 1 (a) and (b) respectiv-
ely, authorizes the Hopi Tribal Council to rep-
resent and speak for the Hopi Tribe in all matters for the welfare of
the tribe; and
WHEREAS, the Hopi Tribe is a sover-
eign tribal nation, responsible to its vil-
lages, citizens and members and charged
with providing direction for the health and
safety of all during a public health emerg-
ency; and
WHEREAS, on April 27, 2021, after
meeting the specified gating criteria, the
Hopi Tribe implemented Phase Two Re-
opening, for the time-frame of April 27,
2021 to May 18, 2021; and
WHEREAS, as of May 13, 2021, case
data continues to reflect a downward
trajectory or near zero percent (2.1%) of
positive tests as a percentage of total tests
over a 14-day period, and
WHEREAS, relative to other States in
the Union, the Hopi Reservation would be
the lowest ranked in terms of COVID-19
cases per 100,000; and
WHEREAS, based on an analysis of
available data, benchmarks have been
reached in all thirteen Hopi Villages and
communities indicating the gating criteria
recommended by the Centers for Disease
Control (CDC) for Phase Three Re-Open-
ing have been met; and
WHEREAS, the Hopi Tribe continues,
with limited resources, its response efforts
to decrease spread of the virus and to
bring the pandemic under control and is
fully aware of the danger of prematurely
opening the community; and
WHEREAS, while significant progress
has been made to achieve a flattening of
the curve, there is still a need for vigil-
ance moving forward with the Phase
Three Re-Opening, including the continua-
tion of certain restrictions.

NOW, THEREFORE BE IT RES-
OLVED that the Chairman of the Hopi
Tribe authorizes the Phase Three
Re-Opening of Hopi, subject to the fol-
lowing:
1. The use of face coverings is required
inside all public facilities and buildings,
common areas, and outdoor locations
where physical distancing is not possible.
2. The Hopi Law Enforcement Ser-
vice will coordinate with village leaders
and village security Officers where appli-
cable to allow for welfare checks."
3. Hopi villages and regions that satis-
fy baseline CDC gating criteria are eligi-
ble to begin Phase Three. In recognition
of village sovereignty, re-opening of the
various Hopi villages and communities
will be left to the administration of each
respective village.

Vulnerable Ind1.v.1 Individuals
1. Elderly individuals.
   Individuals with serious underlying
   health conditions, including high blood
   pressure, chronic lung disease, diabetes,
   obesity, asthma, or those whose immune
   system is compromised such as by che-
   motherapy for cancer, HIV, or other im-
   munosuppressive conditions. **Low Risk
   Populations
2. Low Risk Populations are those under
50 without underlying health conditions
and have no contact with a COVID-19
confirmed or probable case.
3. It is recommended that the Hopi busi-
ness sector adhere to the following guide-
lines, in addition to those listed above for
Phase Three Re-opening:
   • Recommend continued adherence to
   social distancing protocols.
   • Implement screening, and temperature
   checks for staff.
   • Implement strict Intervention, Preven-
   tion, and Control (IPC), cleaning and dis-
   infecting protocols.
   • Implement mechanisms to control
   flow of traffic within the facility to the ex-
   tent feasible.

SO ORDERED this 18th day of May
2021.

COMMENTS & FEEDBACK FORM
PROPOSED 2021-2022 Hopi Hunting & Trapping Proclamations

1. Are you agreeable with the establishment of the Hopi Hunting and Trapping Proclamations, which establishes the hunt
and trapping seasons, permit fees, permit numbers and other annual pertinent information?
   YES     NO
   a. If you answered NO, please indicate reason:

2. Are you agreeable with allowing the Hopi WEMP to adjust the hunting and trapping seasons for the 2021-2022 Hopi
Hunting and Trapping Season based on Hopi Tribal Executive Orders (E.O.) due to further COVID-19 Pandemic issues,
which may include closing or implementing restrictions for the Hopi Reservation? These adjusted management issues
may include closure of hunts and trapping to Hopi Reservation residents only, and issuing refund(s) of permit fees, minus
the $15.00 Processing Fee back to those hunters and trappers who may not be allowed to participate in the season
due to the E.O.?
   YES     NO
   a. If you answered NO, please indicate reason:

3. Is the Permit Fees listed in the 2021-2022 Hunting & Trapping Proclamation acceptable prices for Hopi Members?
   YES     NO
   a. If you answered NO, please indicate how Permit Fee you feel is acceptable for Deer and Elk?

4. Are you agreeable to requiring all permitted hunter(s) and trapper(s) should be fully vaccinated to come onto Hopi
Reservation Lands and participate in the 2021-2022 Hunting and Trapping Season, to keep the Hopi-Tewa Sinom safe?
   YES     NO
   a. If you answered NO, please state reason:

5. Do you feel the proposed opportunity and proposed fees for Federal Recognized Members and Canadian First Nations
members to apply for a Left-Over General Elk and Minor Elk hunt are acceptable?  YES     NO
   a. If you answered NO, please provide a reason:

6. Do you feel the proposed implementation of the Special Depredation Hunts for either Deer or Elk Hunts, due to
increased reports of crop/field depredations are acceptable?  YES     NO
   a. If NO, what recommendations would you like to offer?

7. Do you agree with the expanded opportunity for the Elk Bag Limits for Hopi Tribal Members to purchase two (2)
permits, as long as one of the permits is either for Elk Depredation, Archery Elk, General Antlerless or Antlered Elk?
   YES     NO
   a. If you answered NO, please provide a reason:

8. If you have suggestions or recommendations that you feel need to be included into the Regulations, please provide
them. Recommendations:

Name (Optional):       Contact Number:
**Proposed 2021-2022 Hopi Hunting & Trapping Proclamations**

Wildlife & Ecosystems Management Program Department of Natural Resources

Kykotsmovi, Ariz. – May 28, 2021, due to ongoing COVID-19 Pandemic issues, the Hopi Wildlife & Ecosystems Management Program (WEMP) is providing key highlights to the proposed 2021-2022 Hopi Hunting & Trapping Proclamations. We have attached a comment form to solicit comments and feedback.

We have made some slight changes to address potential COVID-19 Pandemic issues and will hopefully continue with the proposed hunts, based on those issues. Below are the highlighted changes;

1. The Hopi WEMP Office has moved to the Turquoise Well Site complex and is located in Building #3. All appointments for Over-the-Counter Sales (OTC), submittal of applications, First Come-First Served Left-Over Permits and all other issues related to the Hopi Hunts and Trapping, will be conducted at our new location.

2. In the event the Hopi Tribes issues Executive Orders (E.O.) to address any COVID-19 Pandemic issues, the Hopi Department of Natural Resources (DNR) and WEMP will adjust management issues based on Hopi Tribal E.O. which may include closure and/or restrictions to access to the Hopi Reservation during the E.O. dates. The WEMP management may include restrictions on allowing non-resident Hopi Tribal Members and other non-residents of the Hopi Reservation from hunting and/or trapping within the boundaries of the Hopi Reservations. If this occurs, the Hopi WEMP will refund the hunting and trapping permit fees, minus the applicable $15.00 processing fee, if the E.O. limits the permittee from participating in Hopi Tribal Hunting & Trapping.

3. Hopi WEMP is currently inquiring whether the Hopi Tribe will be requiring all permitted hunter(s) and trapper(s) to be fully vaccinated to keep our Hopi-Tewa Sinom safe from potential COVID-19 issues. This is being reviewed by the Office of General Counsel, however public input will be considered.

4. Hopi WEMP is proposing a change to the Elk Bag Limit, where we include the opportunity to purchase two (2) Elk permits, as long as one permit is either for Archery, General Antlerless, General Antlered and/or a Depredation Elk Hunt permit and the Tribal member pays the applicable fees for the two (2) permits.

5. Minor Elk Hunters may also have the ability to hunt during the General Antlerless Elk hunts and if unsuccessful, may hunt during the General Antlered elk hunt.

6. Hopi WEMP will also implement a MANDATORY Hunter Harvest Check-In, where WEMP will be collecting samples for Chronic Wasting Disease (CWD) and collecting ticks from the carcasses. The Hopi will be participating in CWD Surveillance in an effort to monitor for the disease, in addition to beginning participation on collecting ticks and monitoring for vector-borne disease and identifying the various types of ticks found on Hopi and our cervid population.

7. As part of the efforts to assist Hopi Tribal Crop/Field Owner Depredations, WEMP will implement a Depredation Hunt with an established boundary to focus on problem areas. These Depredation Hunts will be open when determined and will have a pool of applicants who may choose to purchase a permit.

8. We will still issue Crop/Field Owner Caretaker Permits when a crop/field has been reported, as damaged, to WEMP. For further details, please contact WEMP, as we have made changes with approval from the Hopi Tribal Council, which will apply to these special permits only.

9. In an effort to reduce in persons gathering, the MANDATORY ORIENTATION will be suspended for this year only.

The proposed permit fees and hunt and trapping season dates are as follows;

**Proposed 2021-2022 Other Hopi Hunting Seasons**

The following is OPEN TO ENROLLED Hopi Tribal Members, members ENROLLED with a federally RECOGNIZED or Canadian First Nations Tribe and NON-NATIVE individuals. (See 2019-2024 Hopi Hunting and Trapping Regulations for permit requirements.)

**Proposed 2021-2022 Hopi Hunting & Trapping Proclamations**

<table>
<thead>
<tr>
<th>Hunt Type</th>
<th>Season Dates</th>
<th>Game Management Unit(s)</th>
<th>Permits</th>
</tr>
</thead>
</table>

* *A $15.00 non-refundable processing fee is included in the price of each permit fee. The processing fee will be held from any refund processed.*

**2021-2022 Other Hopi Hunting Seasons**

The following is OPEN TO ENROLLED Hopi Tribal Members, members ENROLLED with a federally RECOGNIZED or Canadian First Nations Tribe and NON-NATIVE individuals. (See 2019-2024 Hopi Hunting and Trapping Regulations for permit requirements.)

<table>
<thead>
<tr>
<th>Hunt Type</th>
<th>Season Dates</th>
<th>Game Management Unit(s)</th>
<th>Daily Bag Limit</th>
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</table>

* The daily bag limit of ducks, including mergansers: Seven (7) per day not to include more than two (2) redheads, two (2) pintails, two (2) canvasbacks; and seven (7) mallards, no more than two (2) of which may be female or Mexican-like ducks. Coyote and common moorhens (francolin): Twenty-five (25) per day, singly or in the aggregate. Geese: Ten (10) white geese (snow, including blue and Ross’ geese) per day and four (4) dark geese (Canada and white-fronted) per day.

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This information and the 2021-2022 Hopi Hunting & Trapping Proclamation Comment & Feedback Form is on Page 3 of this publication and will be posted on the Hopi Tribe’s website under the DNR and WEMP section. Please feel free to submit comments and or questions to: DTalayumptewa@hopi.nsn.us Thank you.
FOR IMMEDIATE RELEASE
Submitted by: Alexandra Hoyungowa, Marketing & Special Events Manager

Kykotsmovi, Ariz. – May 25, 2021, The Hopi Education Endowment Fund (HEEF) is pleased to announce that nominations are being accepted for consideration for membership on the HEEF Board of Directors. HEEF is seeking individuals who have the skills, knowledge and motivation to further the HEEF mission of ensuring that educational opportunities are available for the Hopi people well into the future.

The process for electing Board members is a multi-step process which begins with the nominations. Only current Hopi Tribal members or current HEEF Board members can make nominations or self-nominate. If you would like to nominate an individual, please go to the following link and share information on your nominee: https://www.surveymonkey.com/r/X3HRB33

Nominating Committee Chairperson Aaron Secakuku stated that “The HEEF Board is a volunteer board therefore members serve on Committees designed to enhance the HEEF efforts in fundraising, oversight of investments, implementation of programs and marketing through various media outlets. Members gain a sense of great pride knowing that their work will help to secure the future of the Hopi people.” Nominations close at 5:00 p.m. on Friday, June 25, 2021.

Members come from all walks of life and reside locally on-reservation to across the United States. Each member has a common desire to contribute their skills to enhance the fundraising and operational efforts of the organization. Members volunteer to assist in a variety of fundraising efforts ranging from Special events to introducing potential donors to the staff. To learn more about HEEF, we encourage you to go to the website at www.hopieducationfund.org and/or participate in a ZOOM information session on Thursday, June 3, 2021 from 12:00 noon – 1:00 p.m. Please contact Deanna Machuca, Non Profit assistant at: dmachuca@hopieducationfund.org To request the link to the informational zoom meeting.

HEEF is a non-profit organization with a mission to grow and protect financial resources to provide Hopi Tribally enrolled members an opportunity to pursue their educational endeavors to assure the future of Hopi sinom (people). Since its inception HEEF has supported Hopi students, communities, and programs with a focus on education. For more information call 928-734-2275.

Nominations Open for HEEF Board Membership

FOR IMMEDIATE RELEASE

OKLAHOMA CITY— The Native American Journalists Association applauds CNN for hearing our call to remove Rick Santorum from his commentator position.

On April 26, NAJA released a statement cautioning Indigenous journalists against working with CNN and called for Santorum’s dismissal in light of his racist comments at the Young America Foundation’s conference.

The call launched tremendous grassroots support on social media, not only echoing our demand for Santorum’s removal, but also pointing to key tenets of NAJA’s mission, including increased Indigenous representation at every level in mainstream newsrooms and equal pay.

NAJA thanks the voices who amplified our calls and for the support from the Indigenous community at large.

We applaud CNN but look forward to seeing the network’s senior leaders take significant action to provide their audience with fair and accurate reporting on Indigenous people. NAJA is still waiting on a public apology for Santorum’s remarks and for the racist language used on-air during their 2020 Election Night coverage.
Greetings from the 2021 Virtual 100 Mile Club Active People – Healthy Nation

Submitted by: Andrea Siow, Physical Fitness Coordinator Hopi Wellness Center For Hopi Tutuveni

Kykotsmovi, Ariz. – Wednesday, May 26, 2021, we are just around the corner of our mid-point marker and I would like to take this time to pat everyone on the back and thank you for doing a great job thus far.

In this time of adjustment and getting back into the swing of things, we hope that by participating in the 100 Mile Club, you have been able to get yourself and your family back into a routine of being physically active. It is especially important now that we tune into our bodies and begin rebuilding our overall health and wellness so that we can rise out of this pandemic with persevering strength and move forward once again as active people and a healthy nation.

The Benefits of Physical Activity
Among the many benefits of physical activity are lower risks of:
- Coronary heart disease
- Stroke
- High blood pressure
- High cholesterol or high triglycerides
- Type 2 Diabetes
- Metabolic Syndrome
- Variety of cancers
- Prevention of weight gain
- Improved cardiorespiratory aerobic fitness and muscular strength
- Reduced falls
- Reduced depression
- Better mental health
- Improved sleep

Asquali, to each of you for making the commitment to yourself, your family and your community to be active and set the example for future generations who are watching and following in your footsteps.

Important Reminders & Announcements

It has been challenging not being able to hold our usual fun run/walks, but we hope that you have been creative and getting dressed up for the occasions. Our upcoming dates and themes:
- June 1 – Crazy Sock Run
- June 7 – Mid-point – Lunar Run/Walk
- June 14 – PJ (pajama) Run
- June 21 – Reggae Sunsplash
- June 28 – Bubble Run’s
- July 6 – Neon Run
- July 12 — Rock Your Mocs
- July 19 – Final Event – Color Run

Mid-Point Incentive Distribution
A small incentive will be distributed for the Monday, June 7, 2021 Lunar run/walk. The distribution will take place at the Hopi Veteran’s Memorial Center on Friday, June 4, 2021 from 10:00 a.m. – 2:00 p.m.

Incentives will be distributed on a “FIRST COME FIRST SERVED BASIS” to 100 Mile Club Registered Participants, ONLY.

- Please follow driving directions upon arrival at the Hopi Veteran’s Memorial Center.
- Face Mask Required
- Remain in Your Vehicle

Mileage Log Sheets
Hard Copy Log Sheets - If you selected to submit hard copy mileage log sheets, the log sheets were mailed to you. If you have not received the log sheets, please contact us as soon as possible. Hard copy log sheets may be submitted on a bi-weekly basis.

Drop Box Locations
- Hopi Traders Market – Keams Canyon
- Polacca Circle M
- Hopi CHR Office – Hopi Health Care Center
- C Store – Sipaulovi
- Kykotsmovi Village Store
- Upper Moenkopi Community Building

Digital Log Sheets - Digital log sheet links will be provided in weekly emails and posted on the Hopi Wellness Center Facebook page. All of the weekly links will remain open until Friday, July 30, 2021 closing promptly at 5:00 p.m. Once the links have been closed, we will no longer accept digital mileage submissions.

NOTE: As a participant submitting digital log sheets, once you enter your miles, you are responsible for ensuring you have received a copy of your responses from Google Forms. If you do not receive a confirmation from Google Forms, it is also your responsibility to follow up with our program to ensure your mileage has been received. Please double check the email address you entered when you registered to make sure it is correct, and always ensure the email address you enter on your weekly digital log sheet is correct.

Important Deadline Dates
- The final day to earn miles is Friday, July 23, 2021.
- The deadline to submit your miles digitally is Friday, July 30, 2021 BEFORE 5:00 p.m. at which time the links will be closed.
- Hard copy log sheets must be placed in a drop box, postmarked, or emailed by 5:00 p.m. on Friday, July 30, 2021.

100 Mile Club Contact Information
The Hopi Wellness Center staff continues to telework from home. Inquiries regarding the 100 Mile Club may be conducted through the following options until further notice:
- (928) 734-3432
- Hopi Wellness Center Facebook page
- Hopi Wellness Center Facebook messenger

We greatly appreciate your patience and understanding. Please contact us if you have any issues with the links provided. We look forward to the upcoming weeks and encourage you to make the best out of this year's Virtual 100 Mile Club.
Your Hopi Community Health Representatives (CHRs) proudly introduce a PAID, short term employment opportunity this Summer!

The Hopi CHRs’ YOUNG ADULT INTERNSHIP PROGRAM “COMMUNITY HEALTH AIDES”

- Provides valuable insight into future career opportunities & work readiness trainings
- Builds strong work ethics & skillsets
- Boosts self-confidence
- $PAID$ 40 hrs/wk for 8 weeks

MORE DETAILS COMING SOON!

The COVID-19 PANDEMIC CAN BE STRESSFUL, YOU ARE NOT ALONE!!

Hopi Behavioral Health Services is aware of the impact the COVID-19 pandemic has on our Hopi/Tewa community. Fear and anxiety about this new disease and the unknown can be overwhelming and cause emotional strain on you and your family. We have all suffered multiple and significant losses during these trying times.

If you’re feeling...

OVERWHELMED, FEARFUL, WORRIED, OR HAVE LOST A LOVED ONE, THE FOLLOWING ARE AVAILABLE RESOURCES DURING THIS PANDEMIC

For Emergencies:
- Hopi Law Enforcement 928-734-7340 OR 911
- Hopi CPS 928-401-7792
- Hopi Behavioral Health 928-737-6300

Crisis Resources:
- Northern Arizona Crisis Hotline 1-877-756-4090
- SAMHSA’s National Helpline 1-800-662-HELP (4357)
- National Suicide Prevention Lifeline 1-800-273-TALK (8255)
- Crisis Text Line text NATIVE to 741741
- Trevor Project (LGBTQ2S+) 1-866-488-7386
- Trans Lifeline 1-877-565-8860
- Veteran’s Crisis Hotline 1-800-273-TALK (8255)

Want to Advertise with the Hopi Tutuveni?

Are you confused on how to advertise in the local newspaper? The Hopi Tutuveni can help you. With our friendly staff to help you with your advertisement, advertising is now made Easy! Call or email today.

INTERESTED IN A HEALTH CAREER THE IDEAL CANDIDATE
- Has Health Career Interests
- Has Compassion For Our Communities
- Has A Teachable Spirit
- Is Willing To Step Out Of Their Comfort Zone
- Is Not Afraid Of Honest, Hard Work
- Is Self-Motivated & Able To Work Independently
- Is Organized & Reliable
- Is A Team Player

FOR MORE INFORMATION, CALL (928) 737-6342
Kykotsmovi, Ariz. — May 27, 2021 — Over the past weeks the CDC has revised their recommendations “when you’ve been fully vaccinated” 1) how to protect yourself and others 2) choosing safer activities 3) what you can start to do 4) what you should keep doing with towns, cities, county and the state following the recommended guidance. Hopi Executive Order #010-2021 Hopi Phase Three Re-Opening is based upon data reflective on the downward trajectory or near zero percent (.1) percent of positive tests as a percentage of the total test over a 14-day period. Analysis of available data, benchmarks have been reached in all thirteen Hopi Villages and Communities indicating the gating criteria recommended by the Centers for Disease Control (CDC) for Phase Three Re-Opening have been met.

The use of face coverings is mandated and required inside all public facilities and building, common areas, and outdoor locations where physical distancing is not possible on the Hopi reservation. Social distancing is mandated up to six-feet including sanitization protective measures.

It was during this time about year ago when graduations and the holiday’s took a toll throughout the reservation where we saw a significant rise with COVID-19 cases. Moving forward to the present we now have the vaccine available and our number of cases continue to remain low. But, for the vaccine to do its job, we must do our part and continue to push for as many people as possible who are eligible to get vaccinated. The CDC’s recent approval of the Pfizer vaccine for those12-years old and older, opened vaccination to protect even more people from the effects of COVID-19. Getting adolescents vaccinated means their faster return to social activities and can provide parents and caregivers peace of mind knowing their family is protected.

If you have not already contacted the Hopi Health Care Center to schedule your vaccination, call (928)737-6029/6081/6257 or 6204 to schedule appointments. Moenkopi residents can call the Tuba City Regional Health Care vaccine clinic now available by calling 1-866-976-5941 to schedule your appointment.

Here is a quick overview of the COVID-19 statistics on a national, state, and local level:

As of May 24, 2021 the United States now has approximately 32.95 million confirmed positive cases with 13,186 new cases and over 587,342 deaths reported.

Over 877,182 confirmed positive cases now exist in Arizona. Of those, close to 16,390 are in Navajo County alone.

The Hopi Health Care Center has tested over 9,339 patients to this date. Over 1,391 of those tests at Hopi Health Care Center came back positive with 1009 from Hopi Tribal members. Tuba City Regional Health Care Corporation reported 271 positives for Hopi Villages with a combined number of 1280 positive Hopi Tribal members.

The information above provides a glimpse of the current numbers in those respective villages.

The information by villages presented above is released by the Hopi Department of Health & Human Services, and the data shown reflects patients tested at the Hopi Health Care Center and at the Tuba City Regional Health Care Corporation specifically on Hopi tribal members. The data from Lower and Upper Munqapi is consolidated until specific data can be re-verified. (+) number decreased due to individual being identified from another village. The community of residence for one Hopi Tribal member who tested positive at HHCC is in the Phoenix metropolitan area. The community of residence for four Hopi Tribal members who tested positive at HHCC is in Winslow. The data here does not include all state-wide data from other facilities such as Flagstaff, Winslow, Phoenix or other hospitals.

*Note: These data include newly added testing results from the Abbott ID NOW machine since April 20, 2020

** A total of 1281+ individuals who tested positive are members of the Hopi Tribe.

+ Includes Village member(s) retested positive

Prevention:

Watch for symptoms. People with COVID-19 have had a wide range of symptoms reported – ranging from mild symptoms to severe illness.

Symptoms may appear 2-14 days after exposure to the virus. People with these symptoms or combinations of symptoms may have COVID-19:

• Cough
• Shortness of breath or difficulty breathing
• Or at least two of these symptoms:
  • Fever
  • Chills
  • Repeated shaking with chills
• Muscle pain
• Headache
• Sore throat
• Congestion or runny nose
• Nausea or vomiting
• Diarrhea
• New loss of taste or smell

Children have similar symptoms to adults and generally have mild illness. This list is not all inclusive. Please consult your medical provider for any other symptoms that are severe or concerning to you.
### HOPI H.E.O.C UPDATES


### Hopi COVID-19 Reported Cases by Hopi Health Care Center Cases*

#### May 25, 2021

<table>
<thead>
<tr>
<th>Number Tested Today</th>
<th>Cumulative Number Positive</th>
<th>Cumulative Number Negative</th>
<th>Total Number in Process</th>
<th>Total Tested</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1,393</td>
<td>7881</td>
<td>2</td>
<td>9,339</td>
</tr>
</tbody>
</table>

#### Number of Cases per Village as of May 25, 2021

<table>
<thead>
<tr>
<th>Village</th>
<th>Reported by HHCC</th>
<th>Reported by Toha City Regional Healthcare Corporation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kiwatsmovi</td>
<td>302</td>
<td>28</td>
<td>128</td>
</tr>
<tr>
<td>Orayvi</td>
<td>27</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>Polacca (Walpi-Sitoimmovi-Tewa)</td>
<td>274</td>
<td>9</td>
<td>283</td>
</tr>
<tr>
<td>Musangovski</td>
<td>91</td>
<td>2</td>
<td>93</td>
</tr>
<tr>
<td>Supawaiwai</td>
<td>58</td>
<td>1</td>
<td>59</td>
</tr>
<tr>
<td>Songowamvani</td>
<td>220</td>
<td>1</td>
<td>221</td>
</tr>
<tr>
<td>Yawelu-palo</td>
<td>12</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>Paaqivi</td>
<td>55</td>
<td></td>
<td>55</td>
</tr>
<tr>
<td>Hotveila</td>
<td>121</td>
<td>45</td>
<td>166</td>
</tr>
<tr>
<td>Keams Canyon</td>
<td>42</td>
<td>10</td>
<td>52</td>
</tr>
<tr>
<td>Flagstaff</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Munoppi</td>
<td>1</td>
<td>137</td>
<td>138</td>
</tr>
<tr>
<td>Phoenix</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Window</td>
<td>4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Prescott</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>2099</td>
<td>272</td>
<td>1281</td>
</tr>
</tbody>
</table>

This Table looks at both cases per capita for the Tribe and persons that have received at least one dose of the vaccine since the beginning of the pandemic. The village populations were calculated from the enrollment data from the tribe and it is simply a rough estimate.

*Excludes the vaccines from Keams Canyon, Spider Mound, and those calculated as Second Mesa. The three groups combine for another 357 Hopi Tribal members who have received at least the first dose of the vaccine.

Total reservation percent vaccinated - 59.5% - Eligible population vaccinated** ~65.96%

### Village Most recent case

<table>
<thead>
<tr>
<th>Village</th>
<th>Most recent case</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Moenkopi</td>
<td>May 24th 2021</td>
</tr>
<tr>
<td>2. Shungopavi</td>
<td>May 4th 2021</td>
</tr>
<tr>
<td>3. Bacavi</td>
<td>April 29th 2021</td>
</tr>
<tr>
<td>4. Hotevilla</td>
<td>April 20th 2021</td>
</tr>
<tr>
<td>5. Keams</td>
<td>April 14th 2021</td>
</tr>
<tr>
<td>6. Mushongovi</td>
<td>March 25th 2021</td>
</tr>
<tr>
<td>7. Polacca</td>
<td>March 1st 2021</td>
</tr>
<tr>
<td>8. Kykotsovi</td>
<td>February 22nd 2021</td>
</tr>
<tr>
<td>9. Oriyvi</td>
<td>February 18th 2021</td>
</tr>
<tr>
<td>10. Sipalwavi</td>
<td>February 2nd 2021</td>
</tr>
<tr>
<td>11. Spider Mound</td>
<td>January 13th 2021</td>
</tr>
</tbody>
</table>

### Education:

This graph demonstrates the active cases and is stratified by village. Currently there are 2 active cases that is defined as persons that have had a positive test result or symptom onset in the last 14 days. In this graph, the Total cases bar is all villages combined and should be excluded from the remainder of the graph. This graph is useful in isolating where the virus is most active at the current moment.

This graph demonstrates that cases per day with a seven-day moving average. There is a current decline in cases and less than .15 cases per day average.
Hopi Tutuveni June 2, 2021

Cross Word Puzzle
Find the English words for the Hopi words.

Across
4. Kowaako
5. Hoota
7. Qoohi
9. Tałqótó
11. Hōomi
12. Poosi
13. Naqvü
15. Qótó
18. Pamösi
19. Itsehe’e

Down
1. Hot’öqa
2. Kyesso
3. Homasa
5. Tispios
6. Maqa
8. Savikna
10. Moki
14. Kya’ah
16. Nōhu
17. Naayawi

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HOPILAVIT - NUMBERS, COLORS, AND DIRECTIONS

NAALOYOUNGPokuRANJXHDN
ALVPKSUNATQOOYSTAWSKPOVU
NPEGNASTPZPAKPEQEWWBOKIA
AOOSAJPEOYOJAGTGMCZVL
ROYAAPCVLKIKNBNRNBNWHOXDSWQAPOOHUVEGSTAKPXQA
CTOVISETEOUMGAAYVAOUAY
OZBP0AUSPSOKQYAAWKPYKY
YWQAYKTATTAQIAAMAMEUGNU
OPAKWTROOKOPIPVSTSYAIT
OUNUMASOOMOKSOABDQATANAL
LUPAAPTSIVOTIKNYWIPKIV
SUPGNALAAPKCDWEENIMAISWUKWININGYABFAGNAVAAATSKN

HOPI WORDS
Sikaagpu (Yellow) 8. Nanal
Kawestima (NW) 9. Pept
Nuvatukya’ovi (SW) 10. Pakwt
Weenima (SE) 11. Pöväöös
Kiisiw (NE) 12. Öösa
Kwiningya (NW) 13. Pangaqap
Taavang (SW) 14. Pööpap
Tatya (SE) 15. Paaptsivot
Hoop (NE) 16. Suukop
Kwininyaqw (NW) 17. Rookop
Taavangqw (SW) 18. Payukop
Tatkyaqw (SE) 19. Narukop
Hoopaqw (NE) 20. Sunat

Answers for May 19 issue
Across

Down

Call 928-734-3283 for hints or answers
Howling like the wind

Larry “The Cat” Watahamagee

I have come to the conclusion that the Hopi people are the very definition of Ka-Hopi or Not Hopi. In our stories we talk about taking a name from the owner of this land and he in turn gave us a task, a task to never soil his name, never soil his hard work, and never soil who we are. But we forgot about that task and we became leaders, we became greedy, and we became the very definition of Ka-Hopi.

Now you’re probably saying to yourself that you are not Ka-Hopi and you are probably right, but we all sinned before and we all took life and the little things for granted. The only people who are not ka-Hopi are the babies in the world. But I’m pretty sure there are others out there that have never “sinned” their entire life, but believe me, we sinned in one way or another.

I know, I know, you are probably saying to yourself that I’m a cat and I don’t know what I’m talking about, but I’m a Hopi cat so I know how people operate and how they think. We think we are the keepers of the land and holders of knowledge, but in reality, those are just titles we gave ourselves to look and feel important. Titles shouldn’t matter if you believe in the real Hopi way, and titles shouldn’t be tossed around like popcorn, it should be earned with subtle intentions.

Now you’re wondering what about the leaders of the Hopi people? Well, they became leaders because the owner of the land saw them fit to lead the Hopi people and I think that they are still trying to uphold their task from the owner of the land. See, as Hopi people we forgot our task at hand. We think we still know it but we forgot most of it, and kind of left the important details out, so we just know the “gist” and we “cut to the chase” of how Hopi is supposed to act and conduct ourselves.

By this time, you are probably wondering, “Who does this cat think he is?” I cannot tell you what to do, I’m just a cat, but I see this type of behavior in the community from everyone. We lost how to be Hopi but we still remember how to live like a Hopi. We lost how to be a Hopi, but we still remember how to be a Hopi. Do you “kinda-sorta” get it?

When we remember our childhood, we remember the good times we had. We remember the highlights of our lives when we were children. We never remembered how we were Hopi. We lived life just out of instinct and like how we wanted to. No one told us that we have to be Hopi to this certain degree. No one told us how Hopi should conduct ourselves. We learned through watching and listening and through stories, songs, and our general everyday life. That’s how Hopi should be taught, not from a textbook but by living, generally through life.

No one told us how to be Hopi, because it was in our blood to tell us how to be Hopi. No one told us how to be Ka-Hopi because it was already ingrained in us to be Ka-Hopi. Kind of like how non-Hopis call it the “original sin” if you know what I mean.

Now don’t go skinning the cat because you disagree with what I’m saying. We all have a different opinion on how Hopi should be. That seems to be wherein the problem lies, with the Hopi people, we all have a different outlook on Hopi life. We can never agree on who is right and who is wrong. And that is ok in some sense…I guess.

Most of you are probably saying to yourself, “This cat is not Hopi.” And we are all not Hopi if you look at it. We all made ourselves Ka-Hopi the minute we took the task of becoming stewards of the land. It was like a car loan, we were promised something cool and sporty, but we didn’t read the contract through and just signed it, and now we are paying for more, than we agreed to.

So, my advice to you is that we all have sinned in one way or another. We all did something bad in our past, but that shouldn’t hold you to the past. The past is the past, we can either learn from it, or we can distress from it. The only way we can move forward with our Ka-Hopi selves is to look to the future, to prepare ourselves, and to look to the past to get the knowledge and understanding on how to be better Hopis. I say, the goal is not to be a perfect Hopi but to be a better Hopi than our former self. Then again, being Ka-Hopi might seem “kinda” cool to some who believe going to casinos, eating crab legs and shopping for things you don’t even need is Ka-Hopi.
ARTICLES:
The Hopi Tutuveni welcomes original articles reporting on local, state and national news items on issues related to Hopi or of interest to Tutuveni readers. We are especially interested in articles reporting on issues impacting the Hopi community or on events and activities involving members of the Hopi Tribe. Articles should not exceed 750 words and should follow Associated Press (AP) style and formatting. The Managing Editor reserves the right to edit articles for style, length and clarity. If significant editing is required, the Managing Editor will communicate with the author prior to publication.

PRESS RELEASES:
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LETTERS TO THE EDITOR:
Letters should not exceed 250 words and must include the name of the author and complete contact information (address, phone number or email address) and the headline and date of the article on which you are commenting. Anonymous letters and letters written under pseudonyms will not be published. The Tutuveni Editorial Board reviews all submissions and reserves the right not to publish letters it considers to be highly sensitive or potentially offensive to readers, or that may be libelous or slanderous in nature.

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SUBMISSION INSTRUCTIONS:
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**REQUEST FOR PROPOSAL**

**PROPOSAL SUBMISSION DEADLINE:** June 11, 2021, 3:00 PM (MST)

**BIDDERS’ MEETING:** June 18, 2021

**QUESTIONS SUBMISSION DEADLINE:** June 17, 2021

Questions can be submitted prior to the Bidders’ Meeting on June 18, 2021; however, no answers will be provided and/or circulated prior to that date. Questions may be submitted in written form to:
- **Contact Name:** Alice Whiterock
- **Contact Address:** P.O. Box 98
- **Telephone Number:** (928) 737-2571 Ext: 4208
- **Email Address:** Alice.Whiterock@secondmesa.org

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Second Mesa Day School invites and welcomes proposals for their SMDS Food Service Project. Based on your work experience, your firm has been selected to receive this RFP and is invited to submit a proposal. Please take the time to carefully read and become familiar with the proposal requirements. All proposals submitted for consideration must be received by the time specified above under the “PROPOSAL SUBMISSION DEADLINE.”

BIDDERS SHOULD NOTE THAT ANY AND ALL WORK INTENDED TO BE SUBCONTRACTED AS PART OF THE BID SUBMITTAL MUST BE ACCOMPANIED BY BACKGROUND MATERIALS AND REFERENCES FOR PROPOSED SUBCONTRACTOR(S) – NO EXCEPTIONS.

**PROJECT AND LOCATION**

The project associated with this RFP is or shall be located at 100 Main School Rd, Second Mesa, Arizona 86043.

**PROJECT MANAGER CONTACT INFORMATION**

For questions or information regarding Finances, contact:
- **Name:** Lois Reynosa-Qumyintewa
- **Title:** Business Manager
- **Phone:** (928) 737-2571 Ext: 4214
- **Fax:** (928) 737-2565
- **Attn:** Lois Reynosa-Qumyintewa
- **Email:** Lois.Reynosa-Qumyintewa@secondmesa.org

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**Hopi Tribal Council**

- Timothy L. Nuvangyaoma, Chairman
- Clark W. Tenakhongva, Vice Chairman
- Judith Youvella, Tribal Secretary
- Wilfred Gaseoma, Tribal Treasurer
- Violet Sinquah, Sergeant-At-Arms

**Village of Upper Moenkopi**

- Robert Charley
- Philton Talahytewa, Sr.
- Hubert Lewis, Sr.
- Michael Elmer

**Village of Bakabi**

- Dwayne Secakuku
- Clifford Qotsaquahu
- Velma Kalyesvah

**Village of Kyakotsmovi**

- David Talayumptewa
- Phillip Quochytewa, Sr.
- Danny Honanie
- Herman G. Honanie

**Village of Sipaulavi**

- Rosa Honanie
- Alverna Poneoma
- Raymond Namoki

**Village of Mishongnovi**

- Delores Coochyamptewa
- Pansy Edmo
- Mervin Yoyetewa

**First Mesa Consolidated Villages**

- Albert T. Sinquah
- Dale Sinquah
- Wallace Youvella, Jr.
Lawmakers focus on justice reform, racist mascots

CARSON CITY, Nev. — Nevada lawmakers passed hundreds of bills to reform the criminal justice system, boost funding for K-12 schools and ban “ghost guns.” They’re expected to work long days until May 31, when the four-month legislative session is scheduled to adjourn. The Democratic-controlled statehouse has already passed dozens of priority bills, but the fate of several major proposals — about energy infrastructure, mail-in voting and laid-off workers who want the jobs they had before the pandemic — remains up in the air.

Here are some notable measures to have passed through the state Senate and Assembly this week:

**RACIST MASCOTS and “SUNDOWN SIRENS”**

A bill that would direct local school boards to adopt policies that ban “racially discriminatory” mascots, logos and names unless groups such as local Native American tribes consent to their use passed on Thursday through the state Senate. Assemblyman Howard Watts, the proposal’s sponsor, added amendments to prohibit former “sundown towns” from sounding sirens during the evening to herald a curfew for non-white residents. Towns like Minden and Gardnerville in northern Nevada for decades had ordinances to stop Native Americans and other non-white people from being in public after sundown. The ordinances were long ago repealed, but the sirens still blare.

The amended measure now heads to back to the Assembly for approval and, if passed, will go to governor for consideration.

**TRAFFIC TICKETS**

Two bills sponsored by Assemblywoman Rochelle Nguyen that target traffic violations passed through the state Senate this week. The Las Vegas Democrat is proposing banning law enforcement agencies from requiring their officers to meet ticket quotas and issue a certain number of traffic citations over a given period of time. The bills received opposition from some police departments, but won support from libertarians, police reform advocates and police unions. It now heads to Gov. Steve Sisolak for consideration.

She also has a proposal to decriminalize traffic violations and make them civil offenses. Under current law, minor traffic violations are criminal misdemeanors and people who don't show up to their court dates or don't pay the fines can face jail time and the issues that come with having a criminal record. Supporters cited a University of Nevada, Las Vegas study that found Black and Latino drivers, as well as drivers from low income zip codes in Clark County, were more likely to be issued warrants for traffic violations. The proposal passed through the Assembly on Thursday amid opposition from municipalities that rely partially on the fines to underwrite part of their budgets. It now heads to the Senate.

Democratic lawmakers have characterized the traffic measures as part of their criminal justice reform agenda, hoping to limit unnecessary encounters with law enforcement and avoid putting people in prison for things like minor traffic violations.

**K-12 SCHOOL FUNDING**

After years of working to alter the state’s education funding formula and allocate more funding to K-12 education, lawmakers funneled an additional $502 million to schools. A measure introduced on May 10 passed through the state Senate last week and cleared the Assembly on Friday. It now heads to the governor.

The measure comes two years after lawmakers approved changes to the state’s education funding formula, which centralizes funding into one account and distributes it using “weights” that tie funding to student needs. Early in the pandemic, lawmakers feared they would lack the funding to put the changes into effect, but better-than-projected tax revenue gave lawmakers the funds to increase average per-pupil spending 22 percent, from $7,400 to more than $9,000 in the 2021-2022 school year.

**GHOST GUNS**

State senators on Friday passed an amended version of a proposal to ban build-your-own firearms without serial numbers after its sponsor added carve-outs for antique gun-owners who collect firearms produced before 1969. The “ghost gun” ban now heads to the governor's desk for consideration.

An initial version of the bill included provisions that would strengthen penalties against people who bring firearms to casinos that prohibit them. It was amended out amid opposition from criminal justice reform advocates but has been reintroduced as an emergency measure and is scheduled to be heard Saturday.

**DECORATIVE GRASS**

State senators on Friday voted unanimously for a proposal to ban “non-functional turf” in southern Nevada. The bill would prohibit the use of Colorado River water to irrigate grass in office parks, street medians and entrances to housing developments. It would require removal by 2026 and create an advisory committee to consider exceptions. Southern Nevada gets about 90% of its water from the over-tapped Colorado River. If signed by the governor, the legislation would make Nevada the first state to ban certain categories of grass.

**SWAMP CEDARS**

State senators on Monday passed a bill to protect groves of Rocky Mountain juniper trees in northeastern Nevada that the Ely and Duckwater Shoshone tribes consider sacred. The trees, known as swamp cedars, have for years been caught in the crossfire of fights over a proposed pipeline that would transport groundwater to southern Nevada and the growing areas surrounding Las Vegas. The Southern Nevada Water Authority still owns land and water rights in the rural region, but decided to indefinitely defer its pursuit of permits last year. If the governor signs the bill, it could present challenges should the agency choose to revive its plans.
**USDA Says Apache Religious Rights Can't Block Copper Mine**

By Andrew Westney  
PRESS RELEASE

Law360 (May 18, 2021, 9:06 PM EDT) -- The U.S. Department of Agriculture has urged the Ninth Circuit to reject an Apache nonprofit’s bid to block a land swap for the Resolution Copper mine in Arizona, saying the group’s practice of religion in the Oak Flat area doesn’t trump the government’s authority to make the move.

Apache Stronghold told the circuit court in March that an Arizona federal judge wrongly rejected its bid for an injunction to prevent the swap of land currently part of the Tonto National Forest for the copper mine, claiming the mine would destroy the tribe’s sacred Chi’chil Bildagoteel land in violation of the Religious Freedom Restoration Act and the First Amendment.

The government said in its brief Monday that neither the RFRA nor the free exercise of religion clause of the First Amendment requires the government to conduct its own internal affairs, including the management of its own property, in conformity with the religious beliefs or practices of its citizens.

While Apache Stronghold has shown that its exercise of religion will be hurt by the government’s action, it hasn’t shown that amounts to a “substantial burden” under the RFRA since the U.S. Supreme Court and the Ninth Circuit “have both held that government management of federal land does not impose a substantial burden on anyone, even if it severely impacts their religious exercise,” according to the government’s brief.

Apache Stronghold claimed in its January complaint against the USDA that there wasn’t enough notice about the copper mine, a joint venture of Rio Tinto Group and BHP Group, and that it infringes treaty and religious rights, improperly handles Apache land and violates the RFRA.

The mining companies gained access to the land after the passage of a 2014 military spending bill that included a section added by then-Arizona U.S. Sens. John McCain and Jeff Flake swapping Tonto National Forest acreage containing the Oak Flat parcel for private land owned by Rio Tinto and BHP.

In February, U.S. District Judge Steven P. Logan denied Apache Stronghold’s request for a preliminary injunction against the USDA to halt the land swap, saying losing the sacred site didn’t violate the RFRA.

The judge said a “substantial burden” means the government has coerced someone by forcing them to choose between their religion and receiving a government benefit, or penalized them for exercising their religion, and “even where land is physically destroyed, the government action must still fall within those two narrow situations to make out a free exercise violation under [the law].”

On March 1, the federal government told the Ninth Circuit it was revoking the final environmental impact statement and draft record of a decision it issued in January so it can further review the proposed land exchange and consider input from tribes and parties including Apache Stronghold. Four days later, a split Ninth Circuit panel refused an emergency bid to block the land exchange.

In its opening brief to the Ninth Circuit, Apache Stronghold, a San Carlos Apache group, pressed the court for an injunction on the planned land swap, saying the Biden administration’s decision to extend the environmental review of the project doesn’t guarantee the mine won’t go forward.

The group argued that Judge Logan’s ruling “defies both precedent and common sense” by finding that destroying the Oak Flat site and “rendering plaintiff’s religious exercise forever impossible” wasn’t a substantial burden under the RFRA, while a lesser imposition like threatening the group with trespassing at the site would be.

And the land swap would violate the free exercise of religion clause of the First Amendment because the law authorizing the land swap isn’t “a neutral law of general applicability” not intended to discriminate, as the judge found, but instead “has the direct and anticipated effect of decimating Native American religious life while affecting almost no others,” the group said.

The exchange would also violate the federal government’s trust duty and fiduciary duty to the Apaches under an 1852 treaty, which requires the government “to govern the Apache territory including Oak Flat in a manner ‘conducive to the prosperity and happiness’ of the Apaches,” Apache Stronghold said.

Three groups of amici — the National Congress of American Indians and Indian law scholars, the Jewish Coalition for Religious Liberty and others, and religious liberty legal scholars — have backed the appeal, saying the destruction of the site for the Resolution Copper mine project would run roughshod over Apache Stronghold’s religious rights. The NCAI argued in its brief that the USDA and its U.S. Forest Service haven’t shown that the federal government has a compelling interest that might let it carry out the land exchange under the RFRA.

Rep. Raúl Grijalva, D-Ariz., the chairman of the House Committee on Natural Resources, reintroduced legislation March 15 that would repeal the 2014 congressional authorization for the land exchange, after previous incarnations of his bill failed.

In its brief Monday, the USDA said the Ninth Circuit’s 2008 decision in a Navajo Nation suit against the Forest Service holds that there’s no substantial burden for purposes of the RFRA unless the government is “punishing or coercing” someone, and that’s not the case with Apache Stronghold even if Oak Flat is destroyed.

While the group said it meets the RFRA’s requirements because it would be deprived of the benefit of using Oak Flat and could be penalized for trespassing there, the law “does not require government to provide religious claimants with ‘benefits’ not available to anyone else; it prohibits the government from conditioning an ‘otherwise available benefit’ on the claimant’s religious status or conduct,” the government said.

And Apache Stronghold can’t show the law authorizing the land swap isn’t “a neutral law of general applicability” because it was intended to stimulate the economy in the area and not to suppress the group’s religious exercise, according to the brief.

The group also hasn’t pointed to any "discrete, enforceable trust duty the government has violated," and "even if a trust obligation had existed, Congress extinguished it when it passed the act and directed that the land at issue be transferred to a private company," the government said.

In addition, the Biden administration’s decision to complete an environmental impact statement means there’s no immediate threat of irreparable harm to the group, the government said.

“We disagree that destruction of our sacred land and stopping our ability to practice our religion are not a ‘substantial burden,’” former San Carlos Apache Tribal Chairman Dr. Wendsler Nosie Sr., who is a co-founder of Apache Stronghold, said in a statement Monday. "And we disagree that giving away Chi’chil Bildagoteel to a private company, thus subjecting us to criminal trespass arrest for praying on our sacred grounds, is not coercion."

The Apaches’ 1852 treaty with the federal government is “a promise that we expect to be kept,” Nosie added.

Apache Stronghold will file a reply brief on June 7, according to the statement.

The USDA was not available for comment Tuesday.


The federal government is represented by Acting Assistant Attorney General Jean E. Williams and Andrew C. Mergen, Joan M. Pepin, Tyler M. Alexander and Katelin Shugart-Schmidt of the U.S. Department of Justice’s Environment and Natural Resources Division.

The case is Apache Stronghold v. U.S. et al., case number 21-15295, in the U.S. Court of Appeals for the Ninth Circuit.

--Additional reporting by McCord Pagan, Diamond Naga Siu, Morgan Conley and Joyce Hanson. Editing by Bruce Goldman.
Weatherization Assistance program

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- Heating, cooling and air quality

The energy-efficient improvements are made through Red Feather Development Group. To learn more and see if you qualify, call Red Feather at 928-440-5119.

More ways to save on your energy bill
Our Energy Support program offers qualified customers a 25% discount on their energy bill every month. To see if you qualify and find other assistance resources, visit aps.com/assistance.