

# **2009 Fall Annual Conference Tacoma, Washington**

## **RESOLUTION #0 -**

### **"OUTER-CONTINENTAL SHELF PROTECTION"**

#### **PREAMBLE**

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians; and

**WHEREAS**, the ocean has long been a primary source of our culture, food, medicine, and ways of life; and

**WHEREAS**, Our member tribes have:

1) Treaty rights which have been ratified by Congress that recognize our rights to hunt and fish in the ocean and other waters, and

2) Inherent sovereign rights to fish and gather in the ocean that have never been given up through bargains or treaties; and

**WHEREAS**, various international, federal and private entities are mapping, planning, instituting regulatory processes, and otherwise preparing to develop energy and other economic developments in the Outer-Continental Shelf and in areas of the ocean,

**WHEREAS**, Tribal rights are in danger of being impaired by development of the Outer-Continental Shelf and the ocean. It will require significant resources for tribes to study and understand the ramifications of the activities that this development will make and to actively participate in federal and other forums to protect our rights and to educate government and industry on tribal issues and knowledge.

**NOW THEREFORE BE IT RESOLVED**, We are generally concerned that federal agencies and others may be too narrow in their application of which “human environments” may be affected by development of the Outer-Continental Shelf and other ocean resources. Many of our member tribes have treaty rights and other rights to fish for salmon, which is an ocean-going fish. Scientific knowledge about the impacts of ocean development on salmon and all other fish and plants is insufficient for a clear understanding of how development will impact tribal communities.

**NOW THEREFORE BE IT RESOLVED**, We request that the Secretary of the Interior enter into a cooperative agreement with ATNI pursuant to 43 USC 1345(e) and with other appropriate Indian tribes, or appropriate groups of Indian Tribes. We request membership by tribes on task forces dealing with ocean issues. We request that the Department of the Interior initiate government-to-government consultation with Indian Tribes pursuant to its mandates before approving any leases in the Outer-Continental Shelf or other ocean areas that may impact tribal trust assets. We request that any plan approved by the Secretary of the Interior for leasing of lands, any lease, easement or right-of-way granted by the Minerals Management Service or any license or exemption issued by the Federal Energy Regulatory Commission regarding the Outer-Continental Shelf or the ocean, require companies seeking such leases to coordinate their plans at an early stage with local tribes or distant tribes which may be affected, and to include provisions in the terms and conditions that require any holder of such right to contact all Indian Tribes that may have rights or interests in the ocean in the area of the project and negotiate appropriate measures and terms before final approval is given to pursue their project.

**NOW THEREFORE BE IT RESOLVED**, We understand that this administration views revenue sharing as a strong feature of “state” participation in coastal resource development, and the President called upon Congress to address new legislation to enhance current revenue sharing laws, to allow broader “state” participation in fiscal planning related to future coastal resource development. Due to the unique treaty and other tribal rights affected by ocean related activities, Indian Tribes should be considered “states” for the purpose of ocean development.

**NOW THEREFORE BE IT RESOLVED**, Federal royalty rates should be sufficient to allow the wealth extracted from the ocean to be shared with not only states but with Indian tribes who are also governments with rights in the sea that predate both states and the United States.

**NOW THEREFORE BE IT RESOLVED**, that a copy of this Resolution shall be sent to the Governors of each state which has members in ATNI so those Governors may be aware of tribal interests in ocean development prior to any discussions they may have with federal agencies under federal law, and to facilitate meetings and cooperation between state and tribal governments on ocean related issues.

CERTIFICATION

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Brian Cladoosby, President

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Norma Jean Louie, Secretary