



2019 Winter Convention Portland, Oregon

RESOLUTION #19 – 06

"CALLING ON THE SECRETARIES OF COMMERCE AND THE INTERIOR TO CONDUCT MEANINGFUL GOVERNMENT-TO-GOVERNMENT CONSULTATION WITH PACIFIC NORTHWEST TRIBES REGARDING THE PROPOSED ENDANGERED SPECIES ACT RULE CHANGES"

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, Executive Orders, 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 to 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, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes 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 the ATNI; and

WHEREAS, the Secretaries of Commerce and the Interior proposed three major rule changes to Endangered Species Act on July 25, 2018; and

WHEREAS, Secretarial Order 3206, “American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act,” requires the Secretaries of Interior and Commerce to conduct government-to-government consultations when proposed Endangered Species Act regulations may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights; and

WHEREAS, tribal trust resources and tribal rights are threatened by the proposed July 25, 2018 rule changes; and

WHEREAS, tribal leaders have expressed that proposed rule changes threaten tribal trust resources and tribal rights through public comment, as Agencies have not appropriately used tribal consultation; and

WHEREAS, tribes requesting government-to-government meetings have been offered staff-to-staff meetings; and

WHEREAS, additional requests for government-to-government meetings have been repeatedly delayed; and

WHEREAS, Agency staff have indicated that Agency directives are to propose final rules in early 2019; and

WHEREAS, Agency staff cannot confirm that Agencies will fulfill tribal trust responsibilities by adequately reviewing and responding to tribal concerns prior to proposing final rules; and

WHEREAS, the Departments of Commerce and Interior have federal trust responsibilities to take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes; and

WHEREAS, the Departments of Commerce and Interior are failing to meet this basic obligation to Pacific Northwest tribes; and

WHEREAS, ATNI tribes believe that Agencies’ consultation practices are currently highly flawed and biased towards deregulation rather than protecting endangered species, which overlap with trust resources and treaty rights, under established rules; and

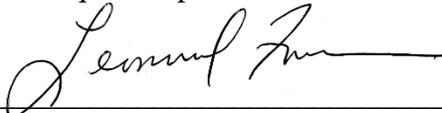
WHEREAS, ATNI tribes believe that absent significant tribal government-to-government consultation, the Agencies will prepare a final rule which does not protect Tribal trust resources and treaty rights; now

THEREFORE BE IT RESOLVED, that ATNI does hereby call upon the Secretaries of Commerce and Interior to direct their staffs to immediately respond to tribal concerns associated with the July 25, 2018 proposed Endangered Species Act rule changes; and

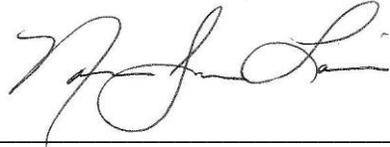
BE IT FURTHER RESOLVED, that ATNI calls upon the Secretaries of Commerce and Interior to immediately begin meaningful government-to-government tribal consultation to hear tribal leadership’s concerns and address those concerns in a manner ‘clearly stating the rationale for the recommended final decision and explain how the decision relates to the Services’ trust responsibilities.

CERTIFICATION

The foregoing resolution was adopted at the 2019 Winter Convention of the Affiliated Tribes of Northwest Indians, held at the DoubleTree by Hilton- Portland, Oregon, January 28 – 31, 2019, with a quorum present.



Leonard Forsman, President



Jeanie Louie, Secretary