

2009 Winter Conference Tulalip, Washington

RESOLUTION #09 - 07

"OPPOSITION TO UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S ASSERTION THAT IT MUST DELEGATE THEIR OBLIGATION TO CONSULT WITH TRIBES"

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, ATNI 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 ATNI; and

WHEREAS, Section 106 of the National Historic Preservation Act requires that whenever a federal undertaking could affect a property of religious and cultural significance to a federally recognized Tribe or Tribes, the responsible federal agency must engage in an extensive review process, including consultation with all affected federally recognized Tribes; and

WHEREAS, the Federal Government’s consultation obligation is rooted in two pillars of federal Indian law and policy – the federal trust responsibility to Indian Tribes and the government-to-government relationship; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has expansively and erroneously read into the Housing and Community Development Act (HCDA) that HUD must delegate its consultation obligations to non-federal parties and has purported to do so; and

WHEREAS, the Native American Advisory Group of the Advisory Council on Historic Preservation has written HUD stating its view that HUD’s interpretation of HCDA is “wrong”; now

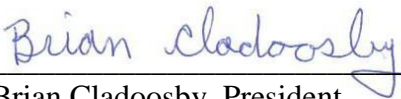
THEREFORE BE IT RESOLVED, that the Affiliated Tribes of Northwest Indians strongly objects to the U.S. Department of Housing and Urban Development’s interpretation of the Housing and Community Development Act; and

BE IT FURTHER RESOLVED, ATNI demands the U.S. Department of Housing and Urban Development recognize the government-to-government relationship with each federally recognized Tribe and follow Presidential Memoranda (1994 & 2004) and subsequent Executive Order (2000) by conducting direct Tribal consultation; and

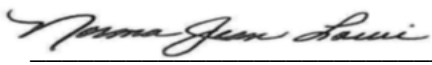
BE IT FINALLY RESOLVED, ATNI calls upon the President of the United States and the U.S. Congress to reverse the erroneous interpretation of the Housing and Community Development Act and direct the U.S. Department of Housing and Urban Development to honor Section 106 of the National Historic Preservation Act to engage in an extensive review process, including consultation with all affected federally recognized Tribes whenever a federal undertaking could affect property of religious or cultural significance.

CERTIFICATION

The foregoing resolution was adopted at the 2009 Winter Conference of the Affiliated Tribes of Northwest Indians, held at Tulalip Resort & Casino, Tulalip, Washington on February 19, 2009 with a quorum present.



 Brian Cladoosby, President



 Norma Jean Louie, Secretary