

**2009 Mid-Year Conference  
Reno, Nevada**

**RESOLUTION #09 - 40**

**“INDIAN ENVIRONMENTAL ACT OF 2009”**

**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**, the tribal lands of the Sovereign American Indian and Alaska Native Tribes across the nation provide important habitat for hundreds of native North American species, including over 525 species of plants and animals recognized by the U.S. government and Tribes as requiring special protection; and

**WHEREAS**, the United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions; and

**WHEREAS**, since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection; and

**WHEREAS**, in treaties, our Nation has guaranteed the right of Indian tribes to self-government; and

**WHEREAS**, as domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory; and

**WHEREAS**, the United States shall work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, protection of Indian Reservations and trust resources, and Indian tribal treaty and other rights; and

**WHEREAS**, the United States shall establish regular and meaningful consultation and collaboration with Indian tribal governments in the development of environmental regulatory practices on Indian Reservations that significantly or uniquely affect their communities; and

**WHEREAS**, to advance Congress' commitment to assisting tribal governments to carry out federal environmental programs and to reduce the imposition of unfunded mandates upon Indian tribal governments, this Act authorizes, for a four-year pilot project period, TEA-Compacts to foster the effective and efficient protection of the environments of and by tribal governments; and

**WHEREAS**, the Agency will recognize Tribal governments as the primary parties for setting standards, making environmental policy decisions and managing programs for Reservations, consistent with agency standards and regulations; and

**WHEREAS**, the Agency will view Tribal Governments as the appropriate non-federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace; and

**WHEREAS**, the Agency will take affirmative steps to encourage and assist Tribes in assuming regulatory and program management responsibilities for Reservation lands; and

**WHEREAS**, the Agency will assist interested Tribal Governments in developing environmental programs and in preparing to assume environmental regulatory and program management responsibilities for Indian Reservation lands; and

**WHEREAS**, within the constraints of EPA's authority and resources, this aid will include expanding the opportunities for grants and other forms of assistance to Tribes; and

**WHEREAS**, the Agency will encourage Tribes to assume delegable responsibilities under terms similar to those governing delegations to States; and

**WHEREAS**, until Tribal Governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing programs for reservations; and

**WHEREAS**, where EPA retains such responsibility, the Agency will encourage the Tribe to participate in policy-making and to assume appropriate lesser or partial roles in the management of reservation programs; now

**THEREFORE BE IT RESOLVED**, that ATNI directs the United States Environmental Protection Agency (EPA) (Agency) to support the transition from self determination Indian environmental programs to self governance Indian environmental programs through the implementation of the Indian Environmental Act of 2009; and

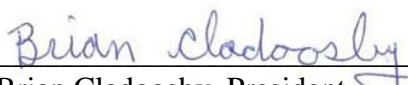
**BE IT FURTHER RESOLVED**, that ATNI directs the Administrator to carry out a four-year pilot project to be known as the "Tribal Environmental Self-Governance Pilot Project"; and


**BE IT FURTHER RESOLVED**, that ATNI authorizes the Administrator to enter into annual negotiated funding agreements with tribal governments in a manner consistent with the Federal Government's laws and trust relationship to and responsibility for Indian people; and

**BE IT FINALLY RESOLVED**, that ATNI supports EPA Environmental Indian Act of 2009 and directs Environmental Protection Agency, United States Congress and the President of the United States to pass the legislation in the 111<sup>th</sup> Congress.

### **CERTIFICATION**

The foregoing resolution was adopted at the 2009 Mid-Year Conference of the Affiliated Tribes of Northwest Indians, held at the Silver Legacy Casino, Reno, Nevada on May 18-21, 2009 with a quorum present.

  
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Brian Cladoosby, President

  
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Norma Jean Louie, Secretary