

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

### **RESOLUTION #09 - 42**

#### **"INTERIOR ACCEPTANCE OF STATE TRANSPORTATION FUNDS"**

### **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**, an increasing number of tribes are entering into self-governance compacts with the Department of Interior or direct agreements with Department of Transportation Administrations to fund their transportation programs; and

**WHEREAS**, pursuant to the purposes and ideals of Self-Governance, tribes have operated programs and services formerly operated by federal agencies and in that capacity,

tribes have proven to be the most competent to handle federal funds designated for such purposes and are bound to the highest standards of fiduciary responsibility and ethical management; and

**WHEREAS**, an increasing number of tribes are receiving awards of federal-aid and other highway and transportation funds from federal and state programs that historically have not been available to tribes or tribes have not requested funding from these programs; and

**WHEREAS**, the Skokomish Indian Tribe has been awarded \$821,061 by the State of Washington under the American Recovery and Reinvestment Act of 2009 (ARRA) to complete Phase 2 of an intersection and safety project for US Hwy 101 on the Skokomish Reservation; and

**WHEREAS**, the Governor of Washington stipulated that for the State's ARRA awards that funds must be obligated by July 1, 2009 and projects that will be unable to meet the deadline will have the award withdrawn and the funds reallocated to other projects able to meet the deadline; and

**WHEREAS**, the Skokomish Indian Tribe administers road construction projects under its IRR Addendum to a Multi-Year Funding Agreement through the Department of Interior Office of Self-Governance; and

**WHEREAS**, in early FY 2009 the Skokomish Indian Tribe used a portion of \$902,580 of Public Lands Highway Discretionary funds awarded to the Tribe by the State of Washington and distributed under the Tribe's IRR Addendum through the Office of Self-Governance to complete Phase 1 of the intersection and safety project for US Hwy 101 on the Skokomish Reservation; and

**WHEREAS**, the State of Washington has offered to make the \$821,061 ARRA award for the Skokomish Indian Tribe available to the Department of Interior to pass through the Office of Self-Governance for use by the Tribe for its US Hwy 101 Intersection and Safety Project; and

**WHEREAS**, the Department of Interior Solicitor's Office appears to be engaging in prolonged delay or flat refusal to accept the Washington State Funds (See Attached Letter Re: Transfer of State Transportation Funds to the Bureau of Indian Affairs and Office of Self-Governance for Inclusion in Tribes' Self-Determination and Self-Governance Compacts); and

**WHEREAS**, US Department of Interior is authorized under federal law to accept state transportation funds and to transfer such funds to tribes under Self-Governance Compacts (See attached Memorandum No. 48-09); now

**THEREFORE BE IT RESOLVED**, that ATNI requests the Secretary of Interior establish a policy to accept Federal-Aid or other transportation funds from states on behalf of a tribe as authorized under existing law; and

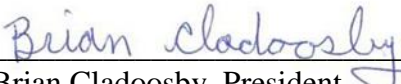
**BE IT FURTHER RESOLVED**, that due to the urgency under the timeline established by the Governor of the State of Washington for obligation of its ARRA funds and the risk of loss of those funds from a Tribal Program, the ATNI requests the Secretary of Interior to respond to the specific request of the Skokomish Tribe at the earliest practicable date if the Secretary has not already done so; and

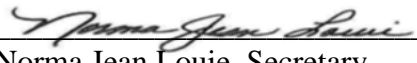
**BE IT FURTHER RESOLVED**, that the ATNI requests the National Congress of American Indians and the Intertribal Transportation Association to work by all means available through the reauthorization of SAFETEA-LU, Public Law 109-59, to require the Secretary of Interior to accept all Federal-Aid or other transportation funds offered to the Department of Interior by a State for use by a Tribe and to allow such funds to be included in the Tribe's Self-Determination Agreement or Self-Governance Compact; and

**THEREFORE BE IT FINALLY RESOLVED**, that the ATNI requests all members of the United States Congress to support this and other similar initiatives aimed at enabling tribes to assert greater governance over the development of Indian reservation roads serving tribal communities and promoting more effective and efficient use of transportation funds for projects in these communities.

#### **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