



## **2011 Winter Conference North Bend, Oregon**

### **RESOLUTION #11 - 23**

#### **“AFFIRMING AND STRENGTHENING THE FEDERAL INDIAN CONSULTATION RIGHT OF ATNI MEMBER 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, 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**, Indian Treaties, Executive Orders, the laws and constitution of the United States and of several states, including judicial decisions and agency statutes, regulations, policies and protocols, and the United Nations Declaration on the Rights of Indigenous People, as endorsed by the United States, singly and collectively, establish the federal Indian consultation right; and

**WHEREAS**, the federal Indian consultation right requires the United States and its agencies, as well as states and local governments, to meaningfully consult with tribal governments, on a government-to-government basis, regarding any matter of tribal implication, in order to allow any affected tribal government to express its views and assert its rights in advance of any non-tribal governmental action or decision-making; and

**WHEREAS**, United States Presidents, dating back at least forty years, have affirmed the federal Indian consultation right in national law and policy, most recently with President Barack Obama issuing his Memorandum for Heads of Executive Departments and Agencies regarding the federal Indian consultation right, 74 Fed. Reg. 57881 (Nov. 5, 2009), by which he ordered federal agencies to immediately implement President William J. Clinton's Executive Order 13,175, 65 Fed. Reg. 67,249, 67,251 (Nov. 6, 2000); and

**WHEREAS**, President Obama's Memorandum instructed each federal agency head to submit to the Director of the United States Office of Management and Budget (OMB), within 90 days after the date of Memorandum, a detailed plan of actions the agency will take to implement Executive Order 13175; and

**WHEREAS**, many federal agencies have yet to comply with President Obama's Memorandum by promulgating a detailed plan of action to implement Executive Order 13175 and in turn honor the federal Indian consultation right; and

**WHEREAS**, many federal agencies, as well as state and local governments, continue to breach the federal Indian consultation right, as well as related Treaty, trust and other guaranteed tribal rights and federal responsibilities, by failing to meaningfully consult with tribal governments regarding matters of tribal implication; and

**WHEREAS**, pursuant to President Obama's Memorandum, the U.S. Department of Interior, on January 14, 2001, issued a draft consultation policy and has invited tribal comments on and suggested revisions to that policy, initially by March 14, 2011, and other federal agencies are doing the same; and

**WHEREAS**, the draft Department of Interior consultation policy is not wholly consistent with the federal Indian consultation right, as well as related Treaty, trust and other guaranteed tribal rights and federal responsibilities; now

**THEREFORE BE IT RESOLVED**, that ATNI and its member tribes encourage and promote any tribe's exercise of the federal Indian consultation right, and the requirement that the United States and its agencies, as well as states and local governments, must meaningfully consult with tribal governments, on a government-to-government basis, regarding any matter of tribal implication, in order to allow any affected tribal government to express its views and assert its rights in advance of any non-tribal governmental action or decision-making; and

**BE IT FURTHER RESOLVED**, that ATNI and its member tribes will collaborate with the National Congress of American Indians to immediately request that the White House,

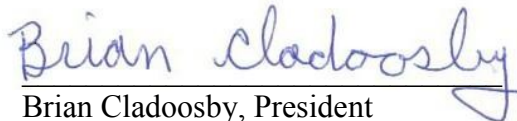
including the Domestic Policy Council and Office of Intergovernmental Affairs, cause any federal agency that has not yet complied with President Obama's Memorandum by promulgating a detailed plan of action to implement Executive Order 13175, to do so immediately; and

**BE IT FURTHER RESOLVED**, that ATNI and its member tribes authorize the ATNI Executive Committee to write and submit a set of comments on and suggested revisions to the draft Department of Interior consultation policy by March 14, 2011, and thereafter as necessary, as well as to other federal agency consultation policies; provided, any such comments or suggested revisions shall only be on behalf of ATNI and not any specific member tribe(s); and

**BE IT FURTHER RESOLVED**, that ATNI and its member tribes will invite representatives of the White House, ideally its Domestic Policy Council and Office of Intergovernmental Affairs, to address the ATNI General Assembly at an upcoming meeting to provide a status report regarding federal agencies' implementation of President Obama's Memorandum and Executive Order 13175 and other issues of federal policy pertaining to the federal Indian consultation right.

#### CERTIFICATION

The foregoing resolution was adopted at the 2011 Winter Conference of the Affiliated Tribes of Northwest Indians, held at The Mill Casino Hotel & RV Park, North Bend, Oregon on January 30 – February 3, 2011 with a quorum present.

  
Brian Cladoosby, President

  
Norma Jean Louie, Secretary