



2017 Mid Year Convention Portland, OR

RESOLUTION #17 - 26

“SUPPORTING IMPROVED PROCESSES TO REVIEW INFRASTRUCTURE PROJECTS”

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 federal trust responsibility has its roots in land cessions made by Tribal Nations and in the promises made by the United States to protect the rights of Tribal Nations to govern themselves on their own lands; and

WHEREAS, subsequent case law has confirmed that the trust doctrine includes fiduciary obligations for the management of trust lands and natural resources. *Pyramid Lake Paiute Tribe*

of Indians v. Morton, regarding a water infrastructure project in Nevada, found that the Federal trust responsibility created an obligation to protect the waters of Pyramid Lake for the Paiute Tribe. *Northern Cheyenne Tribe v. Hodel* found that “a federal agency’s trust obligation to a tribe extends to actions it takes off a reservation which uniquely impact tribal members or property on a reservation.”

WHEREAS, In January of 2017 the U.S. Department of the Interior, U.S. Department of the Army and the U.S. Department of Justice issued a report titled “Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions” which was the product of government-to-government consultation and comments received from fifty-nine Tribes and eight organizations representing tribal interests, that reflected the need to ensure that infrastructure projects are sited in a manner that lives up to the United States’ obligations to Tribes; and

WHEREAS, the report reflected the poor implementation of federal obligations under the federal trust responsibility, tribal treaties, poor implementation of tribal consultation policies, tribal obstacles to meaningful participation in federal decision making, and the importance of infrastructure to tribal standards of living and economic development opportunities; and

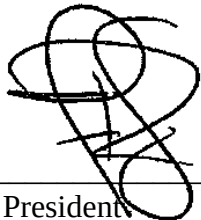
WHEREAS, the report articulates a set of principles that should inform agency practices in the realm of infrastructure considerations; and

THEREFORE BE IT RESOLVED, that ATNI does hereby encourage the US Congress to codify these principles into enforceable laws for the benefit of both Indian Country and for third parties seeking to accomplish projects needing federal approval; and

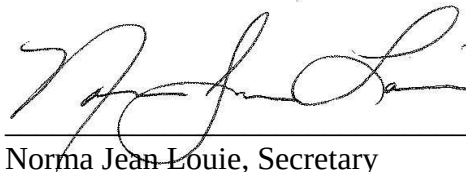
BE IT FURTHER RESOLVED, that ATNI encourages all federal agencies to adopt consultation policies which are similar to the Department of Interior’s Departmental Manual Part 512, Chapter 2, known as 512 DM 2, which has the purpose of establishing the policies, responsibilities, and procedures for operating on a government-to-government basis with federally recognized Indian tribes for the identification, conservation, and protection of American Indian and Alaska Native trust resources to ensure the fulfillment of the Federal Indian Trust Responsibility.

CERTIFICATION

The foregoing resolution was adopted at the 2017 Annual Convention of the Affiliated Tribes of Northwest Indians, held in Portland, OR on May 23-26, with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary