



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #FTL-04-018

TITLE: Tribal Participation in the Great Lakes Water Resources Compact & Great Lakes Basin Water Resources

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WHEREAS, we, the members of the National Congress of American 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 the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, in Section 1962d-20(b)2 of the Water Resources Development Act of 1986, as amended in 2000, the U.S. Congress declared as its "purpose and policy... to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Québec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;" and

WHEREAS, a significant amount of the Great Lakes boundaries are on or near Tribal and First Nation lands, these governments are equal stakeholders in protecting the Basin's surface water and groundwater, with an interest which is founded in both cultural and economic traditions of ancestral sustenance hunting and fishing; and

WHEREAS, the Great Lakes governors and premiers have drafted the Annex 2001 Interstate compact and agreement as their common conservation standard without adequate consultation with Tribal and First Nation governments; and

WHEREAS, the Annex 2001 Interstate compact, as drafted, exempts bottled water from diversion restrictions, so it fails to protect the Great Lakes Basin's groundwater; and

WHEREAS, while some affected Tribes have received notification of the compact negotiations, however, the most affected Tribes have not received significant consultation; and

WHEREAS, Tribes were not included during the development process, or offered any meaningful involvement in the compact negotiation process for the Great Lakes Water Resources Compact; the resulting compact fails to reflect Tribal and First Nations interests in the groundwater; and

WHEREAS, eight states are involved in the compact negotiations including the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Wisconsin and the Commonwealth of Pennsylvania; and

WHEREAS, the eight states listed above have overcome immense obstacles and differences in order to make significant progress in the drafting of the compact; and

WHEREAS, under the United States Constitution interstate compact must have the consent of Congress; and

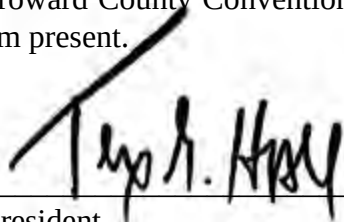
WHEREAS, the importance of a compact for the survival and long-term well being of the Great Lakes is recognized by all Tribes and First Nations.

NOW THEREFORE BE IT RESOLVED, that the NCAI hereby objects to the compact, as drafted, and requests that Congress not consent to the compact until Tribal and First Nation concerns are properly addressed in the process; and

BE IT FURTHER RESOLVED, that the NCAI calls upon the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Wisconsin and the Commonwealth of Pennsylvania, through their Governors and political leaders to delay signing the compact, as drafted, until Tribal and First Nation concerns are properly addressed in the process.

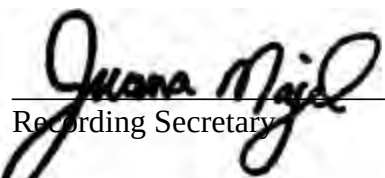
CERTIFICATION

The foregoing resolution was adopted at the 61st Annual Session of the National Congress of American Indians, held at the Greater Fort Lauderdale/Broward County Convention Center, Fort Lauderdale, Florida on October 10-15, 2004 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during the 2004 Annual Session of the National Congress of American Indians, held from October 10th to the 15th at the Greater Fort Lauderdale/Broward County Convention Center in Fort Lauderdale, Florida.