



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #REN-08-034

TITLE: Support for the San Carlos Apache Tribe's Concerns Regarding the United States Fish and Wildlife Service's Lack of Understanding of the Scientific Facts Inherent in the Cultural and Spiritual Significance and Oral History of the Tribe related to the Desert Nesting Bald Eagle in the State of Arizona

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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, the NCAI has supported the concerns of the San Carlos Apache Tribe and other Native American Tribes, Nations and Communities ("Tribes") in the State of Arizona to keep the Desert Nesting Bald Eagle on the Endangered Species List to protect its habitat for its cultural and spiritual significance; and

WHEREAS, the San Carlos Apache Tribe and other Tribes know that the Desert Nesting Bald Eagle species are intrinsic to Apache spiritual and physical well-being and health, and to all aspects of traditional Apache life, any damage to the Bald Eagle, from the decline of their population to the loss of their habitats, would result in devastating harm to Apaches that no amount of mitigation could remedy; and

WHEREAS, the USFWS in conducting its biological assessments, ultimately, collects information based solely on recent observations and scientific perspectives, which fail to include and address the scientific evidence of the large, healthy population of the Desert Nesting Bald Eagle which once existed in the San Carlos Apache Tribe's homeland and the homeland of other Tribes, as evidenced by their prayers, songs, origin stories and other stories, oral histories, and cultural practices which have been passed from generation to generation, word to word, for countless centuries; and

WHEREAS, such prayers, songs, stories, oral histories, and cultural practices are reliable scientific evidence of the ancient presence of the Desert Nesting Bald Eagle in Arizona and the southwest, including Mexico, in large numbers which have been reduced by non-Indian activities to the present small and fragile population of the Desert Nesting Bald Eagle; and

WHEREAS, the Arizona District Court described in it's March 5, 2008 Court Order, in case No. CV 07-0038-PHX-MHM, a six month status review period during which the USFWS is to conduct meaningful government-to-government consultation to better understand the tribal concerns for the continued protection of the Desert Nesting Bald Eagle; and

WHEREAS, the USFWS has set the close of the consultation and comment period for July 7, 2008.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the efforts of the San Carlos Apache Tribe, its neighboring Western Apache Nations and other Tribes by supporting the statements provided by knowledgeable, traditional cultural authorities that the history, customs, songs, stories, and prayers, all elements of culture, have been passed down orally since time immemorial which are reliable scientific evidence of a large healthy population of Desert Nesting Bald Eagles which existed prior to the non-Indian activities which have dangerously reduced the present habitat and population of the Eagles; and

BE IT FUTHER RESOLVED, that the Secretary is requested to preserve the protection of the Desert Nesting Bald Eagle provided by its listing under the Endangered Species Act and other applicable laws until such time as the Desert Nesting Bald Eagle and its habitat have been restored to health in great numbers in all areas where it thrived before non-Indian development; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

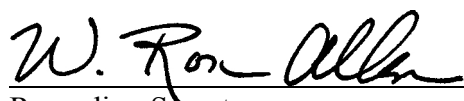
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2008 Mid-Year Session of the National Congress of American Indians, held at John Ascuaga's Nugget Hotel and Casino in Reno, Nevada on June 1-4, 2008, with a quorum present.



President

ATTEST:



Recording Secretary