



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #REN-08-014

TITLE: Support for State Consultation and the Protection of Cultural Property within the Mining Reform Act Reauthorization

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 state of New Mexico has agreed by executive order to consult with affected tribes regarding major state actions with the potential to impact the cultural, social and physical concerns of tribes in New Mexico; and

WHEREAS, the state of New Mexico has failed to meaningfully consult with all affected Tribes on uranium exploration permits in the Mt. Taylor region; and

WHEREAS, the state of New Mexico has performed an environmental analysis of the significant, permanent and irreparable damage to the regional hydrologic balance, drinking water sources, and cultural resources which will result from the issuance of uranium exploration permits in the Mt. Taylor District; and

WHEREAS, by failing to consult with affected tribes on uranium and coal mining developments around Mt. Taylor, the cultural significance of the mountain to the affected tribes and resulting disproportionate impact to Native American cultures was not adequately documented and as a result, no attempts to mitigate the adverse effects of the exploration and other mining activities through a Memorandum of Agreement with the affected tribes was undertaken; and

WHEREAS, the state of New Mexico has agreed to afford all residents of the state meaningful involvement in the development, implementation and enforcement of environmental laws, regulation and policies under environmental justice principles ensuring that low-income communities of color would have a voice in these decisions; and

WHEREAS, the cultural rights of tribes to lands traditionally used for subsistence and cultural activities from time immemorial should be protected under religious freedom and environmental justice principles; and

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WHEREAS, the United States Mining Law of 1872 is an unjust and outdated law that sacrifices indigenous cultures and their sacred sites to environmentally and culturally destructive mining companies; and

WHEREAS, the drilling of exploration wells throughout the watersheds of Mt. Taylor violates the religious freedom of the First Nations of the Southwest, who hold the Mt. Taylor region and source water originating there from sacred and indispensable to their traditional cultural practices.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support consultation with all regulatory agencies to determine probable impacts to regional groundwater, the La Jara and San Mateo Creek drainage areas, and cultural properties within the area resulting from exploratory drilling; and

BE IT FURTHER RESOLVED, that NCAI urges the appropriate federal and state agencies seek Congressional authorization to declare the land around Mt. Taylor unsuitable for mining activities due to its widespread cultural significance as a sacred site by all regional Tribes and the unique value of the area’s hydrologic resources to northwestern New Mexico; and

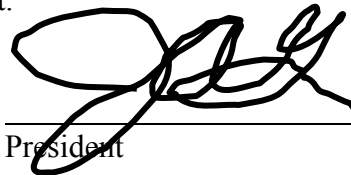
BE IT FURTHER RESOLVED, that NCAI requests that all pertinent federal agencies and the state of New Mexico incorporate these concerns into their environmental assessment of adverse effects to traditional cultural properties and regional water resources triggering the need for an environmental impact statement to examine these significant impacts; and

BE IT FURTHER RESOLVED, that NCAI does hereby advocate for changes to the 1872 Mining Law to recognize and protect sites sacred to indigenous communities throughout the United States and its territories, as well as environmental health and the well-being of all affected communities; 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