



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #RAP-10-004

TITLE: Support of the Soboba Band's Continuing Water Resources Development

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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 Soboba Band of Luiseño Indians' Reservation, which is located on the western slope of the San Jacinto Mountains, along the east bank of the San Jacinto River, in Riverside County, California, has been challenged with longstanding water resources interferences for more than a century; and

WHEREAS, in the mid-1960s the United States sued the Band to condemn more than 300 acres of prime developable land to allow it to flood, so that the non-Indian land on the other side of the River would not require a high levee to protect it; and

WHEREAS, at the 60th Annual Convention in 2003, NCAI resolved (ABQ-03-023) to support the Soboba Band in defending the tribe's water rights and urged passage of the Soboba Settlement Act by Congress; and

WHEREAS, in 2008, Congress enacted the Soboba Settlement Act (P.L. 110-297) to settle the Soboba Band of Luiseño Indians' water-related claims against the United States; and

WHEREAS, Section 5(b) of the Soboba Settlement Act provided \$11 million to the Soboba Band "to pay or reimburse costs associated with constructing, operating, and maintaining water and sewage infrastructure, and other water-related development projects," but those funds have or will be completely expended on a new Reservation water storage and distribution system, leaving the Band still in need of new sewage infrastructure to replace its present residential and commercial septic systems; and

WHEREAS, the Soboba Band now has a pressing need for a wastewater treatment plant to replace the septic systems currently in use on the Reservation for both residential and commercial purposes and the most economically feasible location for the plant is within the condemned area, but building on this land would require construction of a flood control levee to protect the Reservation land from flooding so that the condemned flowage easement can be vacated; and

WHEREAS, replacement of the Reservation septic systems is a critical step in protecting the water supply of the San Jacinto groundwater basin, which is one of the primary objectives of the Soboba Settlement Act; and

WHEREAS, in 2009, as part of its obligations under the Soboba Settlement Act, the Los Angeles District of the United States Army Corps of Engineers conducted a reconnaissance analysis of the water resource development and management needs of the Soboba Band of Luiseño Indians; and

WHEREAS, the reconnaissance analysis concludes that “there is a strong Federal interest in developing a feasibility study for the Soboba Reservation . . . [to] evaluate infrastructure (including water and wastewater), flood risk management, and ecosystem restoration,” and recommends that the Corps next undertake a feasibility study to include (1) delineation of the San Jacinto River floodplain on the Soboba Indian Reservation and Tribal fee lands; (2) engineering feasibility/design of a flood control levee on the right bank of the San Jacinto River on the Soboba Indian Reservation; (3) engineering feasibility/design of stabilization and restoration of the San Jacinto River channel on and upstream of the Soboba Indian Reservation (upstream of the area being considered for levee protection); and, (4) environmental assessments in conjunction with the levee and channel stabilization projects; and

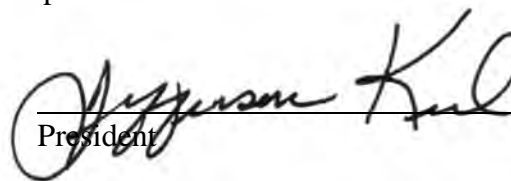
WHEREAS, Representative Joe Baca (D-CA), Representative Jerry Lewis (R-CA) and Representative Mary Bono Mack (R-CA) have introduced legislation to direct the Secretary of the Army to conduct a study to determine the feasibility of carrying out a project to address the water resource development and management needs of the Soboba Band of Luiseno Indians Reservation.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby continue to support the Soboba Band in resolving its water resource challenges and encourages Congress to approve the feasibility study legislation; and

BE IT FURTHER 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 2010 Mid-Year Session of the National Congress of American Indians, held at the Rushmore Plaza Civic Center in Rapid City, South Dakota on June 20-23, 2010, with a quorum present.

ATTEST:
Recording Secretary
President