



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #ABQ-03-015

### Title: Protecting Columbia River Basin Fish from Toxic Contaminants and Other Pollution

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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**, since the immemorial, our economy, culture, religion and way of life have been centered around our fishing, hunting and gathering resources, and the lands and waters on which they depend, which we managed responsibly to ensure that they would always sustain themselves, and us, for seven generations and beyond; and

**WHEREAS**, the health and well-being of all these resources have suffered greatly over the last one-hundred-and-fifty years, and their loss and deterioration has in turn caused substantial harm to tribal people and communities; and

**WHEREAS**, these detrimental changes have impacted our inherent tribal sovereignty, which is based in part on the free exercise of our rights to fish, hunt and gather, and the United States has a duty, based on treaties, executive orders, the federal Trust Responsibility and numerous court opinions, to ensure that those rights are honored; and

**WHEREAS**, a particularly significant harm has afflicted tribal natural and cultural resources has come from the creation and dissemination of large volumes of toxic contaminants and other forms of pollution across the lands and waters of our reservations and ceded territories in the Pacific Northwest, from sources in both the United States and Canada; and

**WHEREAS**, the presence of varying amounts of toxic contaminants in lakes, rivers, streams and in the fish that inhabit these waters throughout the Columbia River Basin has been well-documented by numerous tribal resource agencies and tribal organizations, the U.S. Environmental Protection Agency, other Federal agencies, state pollution control agencies and others; and

**WHEREAS**, salmon, other fish, wildlife, plants and other natural and cultural resources are important parts of our culture, economy, religion and way of life, and any harm to them harms us; and

**WHEREAS**, tribal people use and consume these many resources far more than non-tribal people, and we are gravely concerned that this use may place us at substantially greater risk of exposure to toxic contaminants and other pollution than the general population; and

**WHEREAS**, we are outraged that the prevalence of toxic contaminants and other pollution threaten our traditional values and force us to incorporate non-traditional practices and precautions, previously unnecessary and unknown to us, into our daily lives; and

**WHEREAS**, tribal people will continue to eat salmon, resident fish, and other fish and wildlife, and to follow our culture and practice our religion based on the use and enjoyment of our natural resources, recognizing the many benefits they still provide; and

**WHEREAS**, the prevalence of toxic contaminants and other pollution present challenges to fisheries recovery and other aquatic resource restoration efforts in the region because of the uncertainty associated with the lethal and sub-lethal impacts to fish exposed to legacy, emerging or current use of dangerous chemicals and their by-products; and

**WHEREAS**, treaties between the United States and various Indian Tribes, and the federal government's Trust Responsibility to the tribes, guarantee not only the *existence* of fish and other resources on which our rights are based, but also their *health*; and

**WHEREAS**, tribes currently lack the funding, resources and infrastructure to properly evaluate the human health risks and benefits of eating fish, and the means to reduce, avoid or minimize those risks.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby request that the United States and the individual states vigorously enforce all existing laws and regulations that limit and regulate the creation and dissemination of toxic and other contaminants, interpreting them in a manner that results in the highest degree of protection; and

**BE IT FURTHER RESOLVED**, that the NCAI requests that the United States and the individual states make every effort to strengthen existing laws and regulations so as to reduce or more strictly limit the creation and dissemination of toxic and other contaminants; and

**BE IT FURTHER RESOLVED**, that the NCAI requests that the United States and the individual states refrain from weakening any existing laws and regulation that would result in introducing more toxics and other contaminants into the environment; and

**BE IT FURTHER RESOLVED**, that the NCAI requests the adequate necessary federal funding to support a tribally-led effort to examine the benefits and risks of eating fish, and funding for tribes to address tribal-specific human health concerns related to chemical contaminant exposure; and

**BE IT FURTHER RESOLVED**, that the NCAI requests the necessary federal funding and support for tribes and tribal entities to establish fish health programs to address impacts to fish from chemical contaminant exposure, and that the tribes will coordinate these efforts; and

**BE IT FURTHER RESOLVED**, that the NCAI requests that this new funding be made available to tribes and tribal entities in a manner that does not compromise existing tribal programs; and

**BE IT FURTHER RESOLVED**, that the NCAI requests:

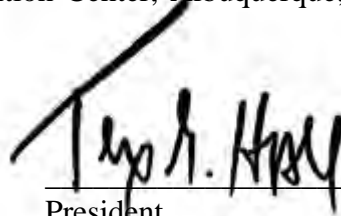
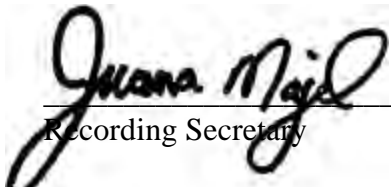
- State water quality standards in the Pacific Northwest include language that precludes mixing zones for persistent bioaccumulative toxics;
- State water quality standards for toxic contaminants be calculated using subsistence fish or shellfish consumption values;
- EPA re-evaluate its policy on deriving criteria for toxic contaminants for protection of aquatic life; and
- EPA and state agencies consider the cumulative effects and cumulative loads for contaminants, and should not set standards in isolation (i.e., as if one state were the only contributor of pollutants); and

**BE IT FURTHER RESOLVED**, that the NCAI does hereby request that the federal government acknowledge and act on its Trust Responsibility to tribes to reduce chemical contaminants in the Columbia River Basin through cleanup and source reduction actions; 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 at the 60<sup>th</sup> Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, Albuquerque, New Mexico, on November 21, 2003 with a quorum present.

  
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President**ATTEST:**  
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Recording Secretary

Adopted by the General Assembly during 60<sup>th</sup> Annual Session of the National Congress of American Indians, held in Albuquerque, New Mexico, from November 17-21, 2003.