



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SD-15-020

TITLE: To Protect Paleontological Resources on Tribal and Ancestral Tribal Lands

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Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

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, Indian culture and values include knowledge passed down from time immemorial, and this knowledge creates a culture of respect that teaches us to protect the remains of those within the earth because of their spiritual, cultural or traditional purposes; and

WHEREAS, there are fossilized remains of animals and plants that were once on this earth, and respect for these remains are upheld by Indian people today because these fossilized remains are important cultural items having ongoing historical, traditional, and cultural importance for Indian people, tribes, and pueblos; and

WHEREAS, government agencies and individuals have not shown respect for these remains and have instead taken actions to possess, profit, excavate, and study cultural patrimony known as Paleontological Resource; and

WHEREAS, the Paleontological Resources Preservation Act of 2009 (P.L. 111-11) excludes material associated with an archaeological resource or any cultural item as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601) (NAGPRA); and

WHEREAS, cultural patrimony is defined in NAGPRA as an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual; therefore these fossilized remains are items of cultural patrimony, and are should be protected as such; and

WHEREAS, fossilized paleontological remains are objects of cultural patrimony, and therefore the Department of the Interior (DOI) through the Bureau of Land Management (BLM), shall not excavate or permit excavation by other entities on tribal or ancestral tribal lands without tribal consultation, and shall respect these fossils as items of cultural patrimony.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the Department of the Interior (DOI), the Bureau of Land Management (BLM) and other federal and state agencies to cease issuing permits for paleontological excavation and study on lands with tribal history and culture; and

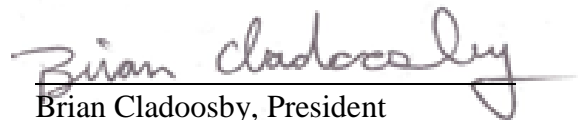
BE IT FURTHER RESOLVED, that paleontological remains of importance to Indian tribes are by definition items of cultural patrimony, and therefore to be protected as such under NAGPRA; and

BE IT FURTHER RESOLVED, that if an American Indian tribe seeks to re-acquire ancestral land for the purpose of protecting paleontological and other cultural resources, that process shall be facilitated by the DOI, BLM and other entities, agencies and lawmakers because of their status as cultural patrimony; 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 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary