



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #DEN-18-001

### TITLE: Tribal Carbon Credits Are a Trust Resource

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#### NCAI HEADQUARTERS

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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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 forest and rangeland of tribal nations are, and continue to be a source for reducing greenhouse gas emissions; and

**WHEREAS**, carbon sequestration involves the management of certain tribal natural resources through tribal land management projects to produce carbon offset credits for marketing in California's Cap and Trade Program, or other similar program; and

**WHEREAS**, the revenues produced from carbon sequestration, which are based on the management of tribal lands, should be treated by the U.S. Department of Interior as trust revenues the same as revenues from the harvest of tribal timber; and

**WHEREAS**, federal regulations at 25 CFR Section 115.001 define "trust assets" to include "natural resources" held in trust by the federal government for the Tribe, and further define "trust resources" as "any element or matter directly derived from Indian trust property" and define "trust funds" as "money derived from the...use of...trust resources..."

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) hereby calls on the Department of Interior to treat the revenue from the sale of carbon offset credits directly derived from management of tribal forest as "trust funds" as defined by 25 CFR Section 115; 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 2018 Annual Session of the National Congress of American Indians, held at the Colorado Convention Center, October 21-26, 2018, with a quorum present.

  
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Jefferson Keel, President

**ATTEST:**

  
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Juana Majel Dixon, Recording Secretary