



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution # MKE-17-005

TITLE: To Oppose Proposed Hydropower Amendments to the Federal Power Act

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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, Indian Tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian and Alaska Native lands; and

WHEREAS, the conservation and preservation of tribal land and resources is a priority for all tribes and a critical component of the federal trust responsibility; and

WHEREAS, fish are a sacred resource for many tribes; and

WHEREAS, the production of electricity through hydropower dams includes impacts to water quality, waterways, wildlife, recreation, livelihoods, customary and traditional activities, and treaty resources within and outside Indian and Alaska Native lands; and

WHEREAS, the impacts of hydropower projects located on federal lands often extend far beyond the confines of the specific lands on which the projects are sited; and

WHEREAS, some members of Congress and representatives from the hydropower industry have proposed amendments to the Federal Power Act that would (a) weaken the current protections Indian tribes have through the Mandatory Conditions requirements under Section 4(e) and Section 18 of that Act, (b) roll back efforts to restore fish populations through the requirement of fishways, and (c) unnecessarily limit the available time and scientific information available to federal agencies in deciding what Mandatory Conditions should be included with a license; and

WHEREAS, these proposed amendments to the Federal Power Act would not improve the federal hydropower licensing process, which is an important source of protections for tribal lands and resources, but rather weaken these critical protections.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI), its leadership, and its executive staff shall call on the U.S. Congress and the Administration to oppose all proposed amendments to the hydropower provisions in the Federal Power Act that would remove or lessen the protections currently afforded tribal governments, tribal lands, inherent reserved rights, treaty rights and other tribal resources under the Federal Power Act; 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 2017 Annual Session of the National Congress of American Indians, held at the Wisconsin Center in Milwaukee, WI, Oct 15, 2017 - Oct 20, 2017, with a quorum present.



Jefferson Keel, President

ATTEST:



Juana Majel Dixon, Recording Secretary