



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #SD-15-049

**TITLE: Protecting Tribal Communities and Culture in Alaska by Requesting the United States Implement the Boundary Waters Treaty through International Joint Commission (IJC) Involvement and Seek the Consent of Tribal Governments in all Agreements between Alaska and British Columbia**

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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**, transboundary rivers of the Yukon Territories, Northwest British Columbia, and Southeast Alaska region, including the Yukon River drainages and tributaries, Taku, Stikine and Unuk rivers, are of tremendous and unique ecological, customary and traditional use ("subsistence"), cultural and recreational value and are come of the most productive salmon rivers on the entire North American west coast; and

**WHEREAS**, British Columbia is experiencing rapid and large-scale industrialization and development, including several current and proposed open-pit mines, as result of the BC Northwest Power Line bringing in electricity to the region and relaxed British Columbian and Canadian environmental laws; and

**WHEREAS**, the mine projects are located in areas that have high potential to create acid mine drainage and also pose associated risks with the waste rock piles, tailing dams, energy development, and roads due to the potential for accidents and spills, tailings dam breaches, acid mine drainage, and habitat fragmentation; and

**WHEREAS**, Alaska Native Tribes, B.C. First Nations, fishermen, local communities, elected leaders, and conservations groups on both sides of the United States/Canadian border have all raised concerns about the potential harm from the proposed developments to the water quality, fish, wildlife and ultimately to the cultural existence, livelihoods, and local economies in the region; and

**WHEREAS**, other tribes share the same concern for their indigenous inherent rights and treaty rights across the nation which are impacted by transboundary waterways across the Canadian border; and

**WHEREAS**, healthy wild salmon populations in these river systems are a priority to our tribal nations and tribal citizens' community health, cultural existence, and sovereignty; and

**WHEREAS**, the United States must uphold its trust responsibility and obligation to consult with the Tribes and protect our interests and citizens; and

**WHEREAS**, the Boundary Waters Treaty of 1909 between the United States and Canada states that "waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other" and provides a mechanism for the United States and Canada to address transboundary river concerns known as the International Joint Commission; and

**WHEREAS**, The State of Alaska has not recognized the Sovereign Nation status of the federally recognized indigenous Tribes within its borders; and

**WHEREAS**, The State of Alaska is entering into an agreement with B.C. allowing greater access to permitting process of these mines.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) strongly urges the United States government (Congress, White House, and federal agencies) to uphold its trust responsibility to Tribes and to work with the Canadian government by referring the transboundary issues to the International Joint Commission and to utilize any and all powers under the Boundary Waters Treaty of 1909 to ensure that our cultural existence and community health are not harmed by upstream development in BC; and

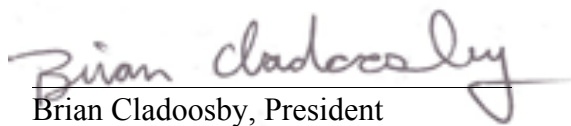
**BE IT FURTHER RESOLVED**, that NCAI urges the United States to advance treaty and statutory amendments to international treaties and authorizing statutes to protection of all affected tribes' inherent rights and treaty rights to uphold the federal trust responsibility; and

**BE IT FURTHER RESOLVED**, that affected tribal governments be consulted with and represented in any international agreements or policy discussions related to impacts to the waters of these rivers and communities consistent with Executive Order 1375 and the United Nations Declaration on the Rights of Indigenous Peoples; and

**BE IT FINALLY RESOLVED**, that this resolution shall replace #ATL-14-082 and 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