



# NATIONAL CONGRESS OF AMERICAN INDIANS

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## THE NATIONAL CONGRESS OF AMERICAN INDIANS

### RESOLUTION #SD-02-009

#### Title: Supporting the Maine Tribes' Opposition to the State of Maine's National Pollution Discharge Elimination System (NPDES) Application

**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 and their way of life, 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**, all Federal Agencies, by virtue of being agents of the U.S. Government, have a duty, responsibility, and obligation to carry out the U.S. Government's Trust Responsibilities to Federally Recognized Tribes; and

**WHEREAS**, the U.S. Government cannot delegate, transfer, or otherwise discharge its Trust and Fiduciary responsibilities in any manner to any entity, State, or organization without consultation and explicit concurrence from the Federally Recognized Tribe or Tribes that are to be impacted or affected by such an action; and

**WHEREAS**, the U.S. Environmental Protection Agency (EPA) has been considering an application from the State of Maine to assume full authority to operate the NPDES program within the borders of the State of

Maine, including Tribal lands and waters, of which a significant portion of these lands and waters are held in Trust by the United States Government by the Secretary of the Interior; and

**WHEREAS**, the Maine Tribes inhabiting ancestral lands within the borders of Maine, collectively referred to as Wabanaki, are comprised of the Houlton Band of Maliseet Indians, the Aroostook Band of Mic Mac Indians, the Passamaquoddy Tribe at Pleasant Point, the Passamaquoddy Tribe at Indian Township, and the Penobscot Nation; and

**WHEREAS**, the Maine Tribes, as cited above, are members in good standing of NCAI; and

**WHEREAS**, NCAI has previously resolved support of the Maine Tribes NPDES struggle via resolution number USET 2000:35, which incorporated this reference.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby unswervingly and proactively support the Wabanaki in their efforts to defend their sovereign rights to determine their own destinies, manage their own natural resources, perpetuate their traditional and customary ways of living their culture, by preventing the State of Maine or any other entity from interfering with the Maine Tribes sovereign rights and governmental responsibilities; and

**BE IT FURTHER RESOLVED**, that NCAI rejects and espies no basis for the State of Maine's claims of appropriate jurisdictional authority over Tribal lands and waters within the borders of the State of Maine; and

**BE IT FURTHER RESOLVED**, NCAI strongly encourages the EPA to carefully consider and recognize their Trust and Fiduciary responsibilities to the Maine Tribes, as well as all Federally Recognized Tribes in making decisions on NPDES delegation and other issues and matters that have nation-wide implications, and calls upon EPA Administrator Christie Todd-Whitman to become actively involved in reviewing all decisions concerning the delegation of NPDES authority to the State of Maine or any other State in a manner that diminishes or denigrates the benefits of the Tribal/Federal trust relationship, infringes upon Tribal lands and waters, or otherwise denies a Tribe of their natural resources; and

**BE IT FURTHER RESOLVED**, NCAI encourages EPA Administrator Christie Todd-Whitman to consult directly and personally with the Maine Tribes on a government-to-government level regarding their NPDES struggle with the State of Maine; 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 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002 with a quorum present.

  
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Tex Hall, President

ATTEST:

  
\_\_\_\_\_  
Juana Majer, Recording Secretary

Adopted by the General Assembly during the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002.