



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PHX-16-053

### **TITLE: Calling Upon Federal Agencies to Recognize and Prioritize Tribal Loss Services Studies in Natural Resource Damage Assessments**

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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**, Indian tribes depend on the health of our ecosystems and natural resources for social, economic, spiritual, traditional, and cultural vitality; and

**WHEREAS**, since time immemorial, Indian tribes have cared for and sustained our way of life, religion, and culture that we hold sacred, and we are obligated to take appropriate and necessary actions to care for our resources for generations unborn; and

**WHEREAS**, Indian people maintain an intimate relationship with the land and resources, which provide services to Indian people that is unique from that of the general public; and

**WHEREAS**, extensive contamination from industrial waste, oil spills, and nuclear production waste; past and present has disconnected present generations from these landscapes; and

**WHEREAS**, the knowledge of the land and resources are passed orally from generation to generation and this knowledge is currently held in the minds and hearts of a diminishing elder generation; and

**WHEREAS**, the only way to fully define service losses Indian tribes experience from contaminated sites is through ethnographic interviews and research combined with traditional ecological knowledge, defined as a Tribal Loss Services Study; and

**WHEREAS**, it is essential to understand the service losses under the Natural Resources Damage Assessment within the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) and the Oil Pollution Act of 1973; and

**WHEREAS**, tribal loss services past, present, and future are injuries that need to be evaluated under Natural Resources Damage Assessments as a vital injury study and polluters should be held accountable for their transgressions under the law; and

**WHEREAS**, each Indian tribe is a sovereign nation governing our own people, traditions, and cultures and therefore are the only ones that can define their tribal loss services and the resources required to determine loss services; and

**WHEREAS**, the Yakama Nation has been a leader in CERCLA Natural Resources Damages Assessment and is currently undertaking a Tribal Loss Service study to identify resources unique to Yakama Nation Tribal citizens, and this as an issue of regional and national concern for tribes, each having their own significant resources and culture.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians urges the Federal government agencies to prioritize Tribal Loss Services Studies within Natural Resource Damage Assessment cases; and

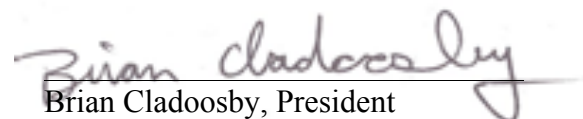
**BE IT FURTHER RESOLVED**, that NCAI calls upon the United States government to recognize that each tribal nation is a sovereign entity, therefore will conduct Tribal Loss Services studies in a manner that best represents their lost resources and services due to contamination, past, present, and future; and

**BE IT FURTHER RESOLVED**, that NCAI requests that the resources required to conduct Tribal Loss Service studies will be unique to each tribe to ensure all tribal citizens services are adequately represented, and these Studies need to be prioritized across the country on these hazardous waste sites; 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 2016 Annual Session of the National Congress of American Indians, held at the Phoenix Convention Center, October 9<sup>th</sup>- 14<sup>th</sup> 2016, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary