



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PHX-16-004

**TITLE: Support for the Gila River Indian Community to Prevent Further Desecration and Destruction of South Mountain-the Traditional Name for which is *Muhadagi-Doag***

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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**, the NCAI has been active in the preservation and protection of native sacred places across the nation; and

**WHEREAS**, the Gila River Indian Community (the "Community") is a federally recognized Indian Tribe located south of the Phoenix metropolitan area; and

**WHEREAS**, the Community's religion, oral histories, traditions, and ceremonial activities and practices all are tied to the natural environment; and

**WHEREAS**, South Mountain-the traditional name for which is Muhadagi Doag-is one of the Community's most significant and sacred natural resources and a cultural property that figures prominently in the Community's oral traditions; and

**WHEREAS**, South Mountain not only is a prominent feature within the landscape of the Community's reservation, but it is a central aspect of the Community's traditional and spiritual view of the surrounding natural resources and the Community's worldview; and

**WHEREAS**, the Community and its members recognize an intimate relationship with the natural environment and believe that such relationship is essential to the continuing survival of the Community's culture; and

**WHEREAS**, Community elders have long reaffirmed the importance of South Mountain and the surrounding areas through oral tradition, which over the years reiterates and renews the Community's ties with the land through stories and songs; and

**WHEREAS**, due to the sacred nature of South Mountain, private and traditional religious activities still are conducted in various forms in the area by individual Community members; and

**WHEREAS**, the Federal Highway Administration ("FHWA") and the Arizona Department of Transportation ("ADOT") are constructing a major Freeway (the "Freeway") which will cut through South Mountain; and

**WHEREAS**, the Community filed a lawsuit in Arizona Federal District Court to stop the construction of the Freeway; and

**WHEREAS**, the Arizona Federal Court on August 19, 2016, sided with FWHA and ADOT, allowing the construction of the Freeway; and

**WHEREAS**, the Community is appealing the federal court decision to the 9<sup>th</sup> Circuit Court of Appeals seeking to overturn the decision and stop the construction of the Freeway; and

**WHEREAS**, the chosen alignment of the Freeway would forever alter the landscape and views of South Mountain as they are experienced and relied upon by members of the Community and would isolate and separate the Community members from many culturally significant locations and resources; and

**WHEREAS**, the Freeway would also affect various sites on or around South Mountain that contribute to South Mountain's historical and cultural significance to the Community, serve as important spiritual locations for its members, and constitute protected tribal cultural properties; and

**WHEREAS**, the Freeway also would destroy or interfere with trails, shrines, and archeological sites within the Freeway corridor that constitute important cultural resources for the Community members; and

**WHEREAS**, the Freeway would interfere with access that the Community members have to South Mountain and other natural resources that have cultural and spiritual significance to them, diminishing the members' traditional ways of life and isolating them from important locations; and

**WHEREAS**, the Freeway would be intrusive to the spiritual connections that Community members associate with the surrounding area and the landscape and view shared of the region as experienced by the members; and

**WHEREAS**, the Community and its members have long used and currently use much of the natural environment that will be affected by the proposed Freeway; and

**WHEREAS**, the proposed Freeway would diminish or destroy the spiritual, cultural, and aesthetic value of the affected areas to the Community and its members; and

**WHEREAS**, the Community and its members would be uniquely affected by the proposed Freeway given the religious and sacred nature of the natural resources that would be destroyed or impacted and that the Community and its members have used for cultural and religious purposes for generations; and

**WHEREAS**, the character of the Community and the quality of life for its members also would suffer from the construction and operation of a major Freeway immediately adjacent to the Community and along its borders; and

**WHEREAS**, an extraordinary emergency exists in that FHWA and ADOT will commence construction of the Freeway in September 2016 and will not agree to halt the construction of the proposed Freeway.

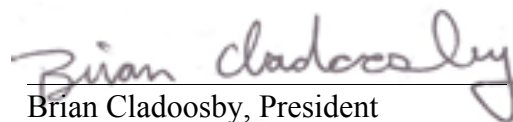
**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians does hereby support the efforts of the Gila River Indian Community to stop the construction of the Freeway and to overturn the Arizona Federal District Court decision, and the NCAI will use practicable efforts to assist the Community to achieve these objectives through media exposure, governmental relations, and to support a call for Congressional oversight hearings to highlight the trust, policy and statutory responsibilities of federal agencies in these matters; and

**BE IT FURTHER RESOLVED**, that NCAI calls upon the President and Secretary of the Interior to ensure that all agencies permitting infrastructure projects affecting tribal lands, waters, or sacred places demonstrate compliance with federal trust obligations, treaties, the consultation requirements, the UN Declaration on the Rights of Indigenous Peoples, and all statutory obligations applicable to the project; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until the South Mountain is no longer under threat of desecration or destruction.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2016 Annual Convention of the National Congress of American Indians, held at the Phoenix Convention Center, October 9 to October 14, 2016, with a quorum present.

  
Brian Cladoosby, President

ATTEST:

  
Aaron Payment, Recording Secretary