



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PSP-09-050

**TITLE: Request that the Environmental Protection Agency (EPA) Return the American Indian Environmental Office Director Position to a Politically Appointed Position**

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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 tribal lands of the Sovereign American Indian and Alaska Native Tribes across the nation provide important habitat for hundreds of native North American species, including over 525 species of plants and animals recognized by the US government and Tribes as requiring special protection; and

**WHEREAS**, NCAI affirms that Tribes are important partners for the U.S. that can provide key wisdom on the environment and its impact on our natural world; and

**WHEREAS**, the U.S. has a unique legal relationship with Indian tribal governments as set forth in the Constitution, treaties, statutes, executive orders, and court decisions; and

**WHEREAS**, since the formation of the Union, the U.S. has recognized Indian tribes as domestic dependent nations under its protection; and

**WHEREAS**, in treaties, the U.S. has guaranteed the right of Indian tribes to self-government; and

**WHEREAS**, as domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory; and

**WHEREAS**, the U.S. shall work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, protection of Indian Reservations and trust resources, and Indian tribal treaty and other rights; and

**WHEREAS**, the U.S. shall establish regular and meaningful consultation and collaboration with Indian tribal governments in the development of environmental regulatory practices on Indian Reservations that significantly or uniquely affect their communities; and

**WHEREAS**, the Environmental Protection Agency (EPA) in 1984 developed the American Indian Environmental Office, under the Indian Environmental Act for the purpose of ensuring Indian Country is represented in the development and implementation of sound environmental programs that provide safe and healthy communities; and

**WHEREAS**, the EPA furthered the commitment to Tribe's by establishing the American Indian Environmental Office (AIEO); and

**WHEREAS**, the AIEO Appointed Director, was originally located within the EPA Office of Water and is in the process of transitioning to the Office of International Affairs, thus providing the message that Indian Tribes are sovereign nations; and

**WHEREAS**, because the AIEO sets the tone of EPA's Indian Policy, it is important that the Director of AIEO reflects the environmental policies of the Obama Administration; and

**WHEREAS**, since the establishment of the AIEO in 1994, the Director's position has been a political one chosen by incoming Administrations. In early 2008, that position was changed to a career Senior Executive Service (SES) position; and

**WHEREAS**, EPA's National Tribal Caucus, National Environmental Council and National Congress of American Indians, and Tribes expressed verbally and in various transition plans to EPA's Administrator and the Obama Administration objecting to this change, asserting that the decision was made without tribal consultation.

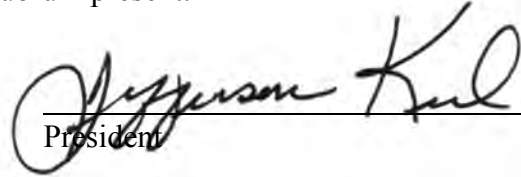
**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby recommend that the EPA return the Director of the American Indian Environmental Office to a political appointment also consulting with Tribes that would reflect the Obama Administration's commitment to treat the Indian Country with honor and respect; and

**BE IT FURTHER RESOLVED**, that the NCAI does hereby support strengthening alliances with the EPA to ensure safe and healthy communities and we value the relationship that has been sustained through the efforts of the AIEO for the past 24 years; 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 2009 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center in Palm Springs, California on October 11-16, 2009, with a quorum present.

  
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President**ATTEST:**  
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Recording Secretary