



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ANC-14-046

TITLE: Requesting that U.S. Fish and Wildlife Service Consult with Indian Tribes before Taking Actions that Threaten Eagle Populations

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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, bald and golden Eagles (Eagles) are vitally important to tribal governments and people because of their cultural and spiritual significance, and Eagles, their populations, nest, migration areas, and other activities must be protected to ensure the longevity of the species and preserve tribal cultural, religious, and spiritual practices; and

WHEREAS, the Federal government is encouraging the development of wind energy projects, including projects located on proximate to tribal lands, some of which are threatening and resulting in the killing of Eagles; and

WHEREAS, on September 20, 2012, NCAI sent a letter to the Counselor to the Assistant Secretary – Indian Affairs, expressing opposition to Executive Order 13604, *Improving Performance of Federal Permitting and Review of Infrastructure Projects*, which expedites energy projects and places tremendous burdens on tribes by precluding government-to-government consultation and endangers tribal sacred places, burial grounds, and other cultural rights; and

WHEREAS, Resolution REN-13-017 was adopted at the 2013 Midyear Session of NCAI, expressing opposition to the U.S. Fish and Wildlife Service (Service) authorizing the killing of Eagles on tribal lands when the affected tribe has not given its express consent; and

WHEREAS, Resolution REN-13-017 expressed opposition to any changes to Federal policies concerning Eagles without formal consultation with tribal governments, tribal religious and spiritual leaders, and tribal conservation and environmental experts, consistent with the requirements of Executive Order 13175 and the Service's own consultation policy; and

WHEREAS, in December 2013, the Service published new regulations [78 Fed. Reg. 73707] which increased from five years to 30 years the length of time a permit may be issued authorizing the killing of Eagles on tribal lands; and

WHEREAS, the Service's failure to consult with tribal governments prior to the adoption of the Eagle take permit regulations is in direct conflict with Executive Order 13175 because the authorizing of the killing of Eagles on tribal lands and extending Eagle kill permits by 25 years is a major Federal policy decision that jeopardizes the vitality of Eagle populations and threaten tribal religions and cultures that depend on them; and

WHEREAS, the Service's determination that consultation was not required because the new regulations require the Service to conduct its own internal review every five years affords no protection for tribal interests when there are no provisions for public comment on the internal review and no assurances that the conclusions reached in the Service's internal review will even be made public.

NOW THEREFORE BE IT RESOLVED, NCAI reaffirms Resolution #REN-13-017 to reflect these newly adopted Eagle take permit regulations [78 Fed. Reg. 73707], and NCAI reaffirms its opposition to the U.S. Fish and Wildlife Service authorizing the killing of Eagles on tribal lands when the affected tribe has not given its express consent, and

BE IT FURTHER RESOLVED, that NCAI opposes the new Federal Eagle take permit regulations, which provide for no consultation with tribal governments, tribal religious and spiritual leaders, and tribal conservation and environmental experts when conducting review of permit holders as to compliance with the regulations; and

BE IT FURTHER RESOLVED, that NCAI also reaffirms its continued opposition to Executive Order 13604 when expedited energy projects are fast-tracked without meaningful consultation with tribal nations and threaten to desecrate tribal sacred places and rights to practice our traditional and religious beliefs; and

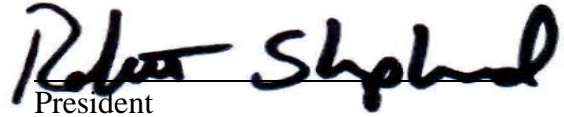
BE IT FURTHER RESOLVED, that NCAI requests that the U.S. Fish and Wildlife Service be required to engage with tribal experts in the development of research instruments that will be used to determine quantitative outcomes of the impact on golden and bald eagles within the impact zones of wind energy companies; and

BE IT FURTHER RESOLVED, that NCAI requests an outside entity will conduct a reliability study on the conclusions of the research provided to guide the U.S. Fish and Wildlife Service to grant permits to wind energy corporations; and

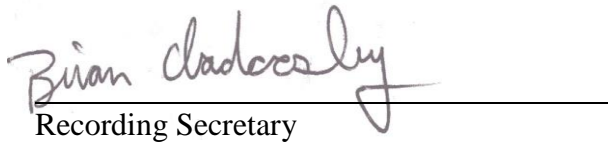
BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Mid-Year Session of the National Congress of American Indians, held at the Dena'ina Civic & Convention Center, June 8-11, 2014 in Anchorage, Alaska, with a quorum present.


President

ATTEST:


Recording Secretary