



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #FTL-04-008

TITLE: A Call for Congress and the Administration to Support and Fund the development of a Tribal Consultation Process as required by the National Environmental Policy Act (NEPA)

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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 United States has a unique government-to-government relationship with American Indian Tribes and this special relationship is affirmed in Treaties, Supreme Court decisions, and Executive Orders, and provides that Federal agencies consult with American Indian Tribes regarding policy and regulatory matters; and

WHEREAS, consultation with American Indian Tribes on proposed federal transportation project undertakings that may have an effect on traditional religious or culturally significant site prior the implementation of such actions is required by the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), the American Indian Religious Freedom Act, and various Presidential Executive Orders prior to project approval; and

WHEREAS, the majority of federal regulations committed to gaining American Indian tribal involvement in decision making concerning federal actions are seen by most American Indian Tribes as being developed from the perspective of the implementing agency of jurisdiction without adequate inclusion of American Indian Tribes; and

WHEREAS, the Congress and the Administration seek transportation project decision making that is certain and predictable, such goals can only be achieved when adequate consultation with American Indian Tribes occurs; and

WHEREAS, Congress and the Administration are proposing to reauthorize the Transportation Equity Act of the 21st Century; and

WHEREAS, transportation infrastructure expansion into American Indian Tribes' Usual, Accustomed and Stationed Areas, pose potential threats to the cultural and historic resources of American Indian tribes; and

WHEREAS, preserving historic properties of religious and cultural significance along with American Indian Tribal practices are of utmost importance to American Indian Tribes; and

WHEREAS, American Indian Tribes deem it important to ensure that the safety of the traveling public is maintained while protecting the cultural rights of tribes, and those objectives can be achieved when American Indian Tribes are adequately consulted according to their existing Tribal processes and protocol in dealing with these matters during the transportation decision making process under NEPA; and

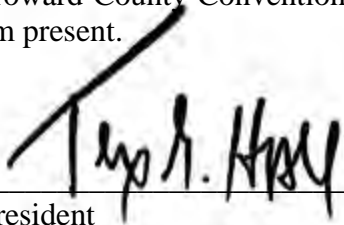
WHEREAS, the proposed Tribal NEPA-106 Consultation Process is consistent with the NCAI's position on re-authorization of TEA-21.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby call on Congress and the Administration to provide support and funding for development of a Tribal Consultation Process as required by NEPA for transportation projects that may be used by other tribes as a means to ensure the protection of American Indian Tribal cultural, historic and religious resources while ensuring much needed transportation projects are delivered in a timely fashion; and

BE IT FURTHER RESOLVED, that the NCAI supports Tribal efforts, such as those at The Tulalip Tribes, to develop this process.

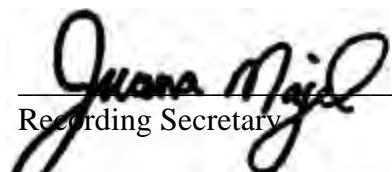
CERTIFICATION

The foregoing resolution was adopted at the 61st Annual Session of the National Congress of American Indians, held at the Greater Fort Lauderdale/Broward County Convention Center, Fort Lauderdale, Florida on October 10-15, 2004 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during the 2004 Annual Session of the National Congress of American Indians, held from October 10th to the 15th at the Greater Fort Lauderdale/Broward County Convention Center in Fort Lauderdale, Florida.