



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-12-050

TITLE: Support for Prior Tribal Water Rights and Opposing Payment for Missouri River Water as Proposed by the U.S. Army Corps of Engineers

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, water is essential to life and essential to every Tribal Nation's economic development and continued prosperity; and

WHEREAS, Tribal Nations consider rivers as sacred, often referring to them as "grandfather" river; and

WHEREAS, Tribal Nations have a prior, reserved right to water in the water courses that flow through, adjacent and under the lands that have been reserved for Tribes pursuant to Treaties and federal law, a prior right that has been recognized first in the U.S. Supreme Court case of *Winters v. United States*, (1908), which said, among other things, that the "reserved" rights of Tribes to water is established when the reservation is established, and that such reserved rights are not diminished by non-use of the water; and

WHEREAS, within the Great Plains, the Missouri River flows through or adjacent to several Indian reservations, including the Tribal lands of the Assiniboine Sioux; the Mandan, Hidatsa, Arikara Nation of the Three Affiliated Tribes; the Standing Rock Sioux Tribe; the Cheyenne River Sioux Tribe; the Lower Brule Sioux Tribe; the Crow Creek Sioux Tribe; the Yankton Sioux Tribe; the Santee Sioux Tribe; the Winnebago Tribe; and the Omaha Tribe; and also supplies water to several other Tribes in the region through various water projects, such as the Oglala Sioux Tribe and the Rosebud Sioux Tribe; and

WHEREAS, the U.S. Army Corps of Engineers controls the flow of water in the Missouri River through a series of dams that flooded much of the lands of the Tribes that are adjacent to the Missouri River; and

EXECUTIVE COMMITTEE

PRESIDENT
Jefferson Keel
Chickasaw Nation

FIRST VICE-PRESIDENT
Juana Majel Dixon
Pauma Band of Mission Indians

RECORDING SECRETARY
Edward Thomas
*Central Council of Tlingit & Haida
Indian Tribes of Alaska*

TREASURER
W. Ron Allen
Jamestown S'Klallam Tribe

REGIONAL VICE- PRESIDENTS

ALASKA
Bill Martin
*Central Council of Tlingit & Haida
Indian Tribes of Alaska*

EASTERN OKLAHOMA
S. Joe Crittenden
Cherokee Nation

GREAT PLAINS
Robert Shepherd
Sisseton Wahpeton

MIDWEST
Matthew Wesaw
Pokagon Band of Potawatomi

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Fawn Sharp
Quinault Indian Nation

PACIFIC
Don Arnold
Scotts Valley Band of Pomo Indians

ROCKY MOUNTAIN
Scott Russell
Crow Tribe

SOUTHEAST
Larry Townsend
Lumbee Tribe

SOUTHERN PLAINS
George Thurman
Sac and Fox Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh

WESTERN
Ned Norris, Jr
Tohono O'odham Nation

EXECUTIVE DIRECTOR
Jacqueline Johnson Pata
Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, for reasons that are not clear, the U.S. Army Corps of Engineers has recently proposed to charge a fee for users of water from the Missouri River, including the Indian Tribes that were flooded by the Missouri River dams, despite the prior reserved rights to the waters of the Missouri River of the Tribes adjacent to the River and despite the fact the Tribal Nations were here long before the United States became a nation.

NOW THEREFORE BE IT RESOLVED, that the NCAI opposes payment by any Tribal Nation for waters that are subject to the reserved water rights under the Winters Doctrine, and specifically opposes payment to the U.S. Army Corps of Engineers by any Tribal Nation for water from the Missouri River; and

BE IT FURTHER 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 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.



President

ATTEST:



Recording Secretary