THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SD-02-081

Title: Requesting the Department of Interior Confer “Affected Indian Tribe” Status Upon Tribes Submitting Petitions Seeking Such Status

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 and their way of life, 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 US Department of Energy (DOE) is developing Yucca Mountain, Nevada as repository for the storage of 77,000 MTHM commercial high level nuclear waste from across the US; and

WHEREAS, participation of Indian tribes is contemplated by the determination of “Affected Indian Tribe” status, a government-to-government trust responsibility and duty of the Secretary of Interior, contemplated by Congress under the Nuclear Waste Policy Act of 1982 as Amended 1987, to confer upon tribes seeking such status; and

WHEREAS, petitions from tribes are submitted or are to be submitted for the purpose of allowing the tribe the ability of full participation in the Yucca Mountain repository development based upon the petitioning tribe’s federally defined possessory and usage rights to other lands outside of the reservation’s
boundaries arising under treaty that are substantially and adversely affected by the proposed repository.

**NOW THEREFORE BE IT RESOLVED,** that the NCAI does hereby, due to the potential substantial and adverse impacts to tribes submitting petitions seeking “Affected Indian Tribe” status, the Secretary should confer “Affected Indian tribe” status upon those tribes with petitions submitted or to be submitted to the Secretary; and

**BE IT FURTHER RESOLVED,** that the NCAI hereby strongly supports the position of tribes that have submitted petitions or those tribes with petitions to be submitted seeking “Affected Indian Tribe” status in fulfillment of the government-to-government trust responsibility; and

**BE IT FINALLY RESOLVED,** that this resolution shall be the policy of the NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted at the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002 with a quorum present.

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Tex Hall, President

ATTEST:

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Juana Majel, Recording Secretary