



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PHX-16-001

TITLE: Recognition of the 50th Anniversary of the National Historic Preservation Act of 1966 (P.L. 89-665)

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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, President Lyndon B. Johnson signed the National Historic Preservation Act on October 15, 1966; and

WHEREAS, the National Historic Preservation Act (NHPA) has had a significant role in the management of archaeological sites, sacred places, historic buildings and structures, and cultural landscapes in mainstream western culture; and

WHEREAS, Section 106 of the NHPA requires federal actions to "take into account the effect" of undertakings on properties listed on or eligible for listing on the National Register of Historic Places for both on and off tribal lands and that one of the results has been an increase in scientific analysis of archaeological sites funded by development applicants, especially in Indian Country, but with little or no involvement of Indian Tribes; and

WHEREAS, federal agencies, including the National Park Service and the Advisory Council on Historic Preservation, which are required to provide guidance and implement provisions of the NHPA have heard years of testimony from Native Americans regarding the shortcomings of the consultation process outlined in the NHPA and the failure of the process to protect places of cultural and spiritual significance in their ancestral homelands; and

WHEREAS, the federal government addressed some of these concerns with two major actions: (1) the 1990 publishing of the National Park Service's bulletin on identification of traditional cultural properties and (2) the US Congress' 1992 amendments to the NHPA that established the Tribal Historic Preservation Officer program and a tribal preservation grant program, recognized that properties of tribal cultural importance to could be eligible for the NRHP and required tribal consultation in Section 106 projects; and

WHEREAS, while these actions have increased tribal participation in identifying and managing archaeological sites and sacred places and have improved relationships between tribes, federal agencies, states, local governments and local communities in recognizing these cultural resources there are still many obstacles, especially with respect to tribal consultation, to successful protection and management of tribal sites, places and landscapes in the United States; and

WHEREAS, tribal representatives have expressed varied concerns and suggestions regarding the state of preservation in their respective territories at the White House Tribal Nations Conferences, ACHP sponsored Tribal Summits (Standing Rock and Palm Springs), National Association of Tribal Historic Preservation Conferences, the National Congress of American Indians and other venues, resulting in a few recurring themes including: insufficient funding for Tribes in the Historic Preservation Fund; the lack of early and meaningful consultation on projects impacting cultural sites, places and landscapes; failure to protect places of cultural and religious significance for tribes who have been removed from their historic and/or ancestral homelands; failure to recognize holistic approach to managing cultural landscapes that include elements of the cultural, spiritual and natural worlds; and the need for more tribal authority in management of cultural resources in their aboriginal territory outside of the reservations; and the need to protect confidentiality of all cultural resource reports, including TCP studies, on equal footing with other legislation, e.g. American Indian Religious Freedom Restoration Act; and

WHEREAS, the Advisory Council on Historic Preservation is seeking direction from Indian Tribes for a P50 report on the 50th anniversary of the NHPA that will be provided to incoming Presidential administration; and

WHEREAS, Indian Tribes will continue to identify their needs and desires regarding cultural protection in a variety of forums including P50.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians officially recognizes the 50th anniversary of the National Historic Preservation Act because of its role in preservation and study of archaeological sites and places of tribal importance, in bringing Indian Tribes into the process of evaluating and managing cultural resources in their traditional homelands and, through the attention brought by this 50th anniversary, its potential for inspiring future legislation that will increase Tribal authority in managing their sacred sites, places and landscapes; 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 2016 Annual Convention of the National Congress of American Indians, held at the Phoenix Convention Center, October 9 to October 14, 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary