



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SPO-01-039

EXECUTIVE COMMITTEE

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Tex G. Hall
Mandan, Hidatsa, Arikara Nation

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Colleen F. Cawston
Colville Confederated Tribes

TREASURER
Alma Ransom
St. Regis Mohawk Tribe

Title: To Remove Policy and Regulatory Barriers for Tribes Accessing and Effectively Using Federal Power Allocations for Development of Energy Projects on Tribal Lands to Secure Reliable Electricity at Reasonable Costs for Tribal Economic and Social Development

WHEREAS, we, the members of the National Congress of American Indians in our own distinct territories, 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 Federal government has a trust responsibility to all Tribes that is a legally enforceable fiduciary obligation of the United States to protect tribal lands, assets, resources and treaty rights, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaskan Native tribes; and

WHEREAS, the electricity sold by the Western and Bonneville Power Marketing Administrations is produced by hydroelectric dams located on or near tribal trust lands or using tribal trust resources. Often, tribal trust lands and cultural resources have been negatively affected, destroyed or damaged by hydro-dams; and

WHEREAS, tribes have recently been designated as preference customers able to receive and access federal power allocations. This allows tribes to buy the least expensive electricity on the market; and

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WHEREAS, tribes are unable to successfully access and use federal power allocations due to policy and procedural barriers, such as BPA's requirement for tribes to own their utilities and distribution infrastructure before being able to buy electricity from BPA; and

WHEREAS, WAPA has instituted a bill crediting option to tribal utilities owning distribution systems under which the tribes' power allocations would be delivered to their utility provider who would credit the bills of those tribal loans designated by the tribes for any cost savings the utility received from the extra quantity for lower cost power; and

WHEREAS, WAPA has not established institutional infrastructure to ensure that tribes are receiving their full allocations and to provide technical assistance to tribes for accessing federal power allocations; and

WHEREAS, all tribes in WAPA's region would like to develop renewable resources, such as wind power, for sale on the open market but are unable to because access to the federal transmission system is overloaded although Bureau of Indian Affairs granted numerous permanent right of ways over tribal lands for little or no compensation. Tribes are unable to develop large-scale renewable electricity generation projects on tribal lands without access to the federal transmission infrastructure.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support and assert that Bonneville and Western Area Power Marketing Administrations be directed either through executive order or congressional legislation to administer their programs recognizing the federal trust responsibility to Indian tribes and provide technical assistance to tribes seeking to use high voltage transmission systems; and

BE IT FURTHER RESOLVED, that the NCAI hereby supports congressional legislation allowing tribes to use their WAPA federal power allocation to firm distributed or commercial renewable energy projects on Indian lands and to institute a tracking system to ensure that tribes are receiving their full electricity allocations; and

BE IT FURTHER RESOLVED, that the NCAI hereby supports congressional legislative action or executive order to allow tribes to negotiate with WAPA and BPA for percentage of new capacities on federal transmission system in exchange for authorizing right-of-way over tribal lands and WAPA and BPA to conduct transmission studies for tribes seeking to access the federal transmission infrastructure; and

BE IT FURTHER RESOLVED, that the NCAI hereby asserts and supports congressional legislation ore executive order to authorize BPA to sell preferential power to Indian tribes without tribes owning distribution facilities and allowing tribes to lease distribution facilities or co-share facilities with other electric services providers to receive power allocations; and

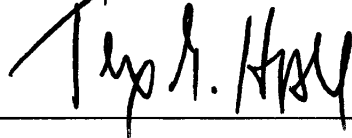
BE IT FURTHER RESOLVED, that the NCAI hereby supports Congressional legislation that clarifies tribal regulatory authority over utility matters within reservations such that tribes maintain this authority over all lands within reservation boundaries; and

BE IT FURTHER RESOLVED, that the NCAI does hereby support this resolution and hereby authorizes the NCAI President, Officers, Executive Committee, and other duly named representatives, to organized and lobby the United States Congress and Executive Branch for the purposes outlined above; 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 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001 with a quorum present.



Tex Hall, President

ATTEST:



Colleen F. Cawston, Recording Secretary

Adopted by the General Assembly during the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.