

**THE NATIONAL CONGRESS OF
AMERICAN INDIANS**

RESOLUTION #SPO-01-091

Title: Status Review of Secretarial Order 3206 and Creation of Review Team

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, Secretarial Order 3206, is an order issued by the Secretary of the Interior and the Secretary of Commerce (Secretaries) pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531, as amended (ESA); and

WHEREAS, Secretarial Order 3206 clarifies the responsibilities of the component agencies, bureaus and offices of the Department of the Interior and the Department of Commerce when actions taken under the authority of the ESA and associated implementing regulations affect, or may affect, Indian lands, tribal trust resources, or the exercise of American Indian tribal rights defined in the Order; and

WHEREAS, implementation of Secretarial Order 3206 by the Southwest and Northwest Regions of the National Marine Fisheries Service (NMFS), a Department of Commerce entity, has been inconsistent with its application of deference to tribal management plans/conservation plans; and

WHEREAS, the Southwest region of the NMFS' current inconsistent application of Secretarial Order 3206 has resulted in negative economic outcomes, poor communications, and a breach to Executive Order 13084 of May 14, 1998 in regards to tribal consultation and communication.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the creation of a joint Bureau of Indian Affairs and tribal review team to conduct a status review of the implementation of Secretarial Order 3206 by the National Marine Fisheries Service; and

BE IT FINALLY RESOLVED, that NCAI requests the results of the status review and recommendations to be reported back to NCAI by June 1, 2002.

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 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.