Resolutions Committee Recommendation
Resolution #: AK-21-009
Title: Calling On The President Of The United States And The 117th Congress To Seize The Once-In-A-Lifetime Congressional Opportunity To Invest In Salmon And River Restoration In The Pacific Northwest, Charting A Stronger, Better Future For The Northwest, And Bringing Long-Ignored Tribal Justice To Our Peoples And Homelands

Comments:
This resolution would direct NCAI to (1) call on the Executive Branch and Congress to ensure there are Tribal set-asides immediately available to implement bold, tribally supported, actions to revitalize, for example, salmon and orca populations and for related river restoration efforts; (2) energy that Tribal species restoration actions are prioritized and fully funded; (3) call for the timely convening of a Northwest Tribal Salmon and Orca Summit, at an NCAI location, with high-level Executive Branch and Congressional representatives; and (4) request the Executive Branch prioritize working on actions to protect for salmon, and other culturally and economically important fish and wildlife, and river restoration actions.

Suggested edits were made to abide by NCAI’s style guide. In addition the new title of, “Calling On The President and Congress to Invest in Salmon And River Restoration In The Pacific Northwest” is suggested.

Recommendations:
This resolution is in order because it meets the requirements of resolutions submitted to NCAI for consideration during a Mid-Year Convention (NCAI Standing Rules of Order, Section XIII(f)). Therefore, the Resolutions Committee recommends this Resolution be considered by the Land and Natural Resources Committee, the Environmental Protection and Land Use Subcommittee and the Trust Lands, Natural Resources & Agriculture Subcommittee. The Resolutions Committee also encourages the Subcommittees to, where appropriate, include language pertaining to Alaska as this issue impacts Tribal communities there.

Sponsor a member in good standing (yes/no)?: _Y___
The National Congress of American Indians
Resolution #AK-21-009

TITLE: Calling On The President Of The United States And The 117th Congress To Seize The Once-In-A-Lifetime Congressional Opportunity To Invest In Salmon And River Restoration In The Pacific Northwest, Charting A Stronger, Better Future For The Northwest, And Bringing Long-Ignored Tribal Justice To Our Peoples And Homelands

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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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, many of the Tribal Nations of NCAI are united by salmon; by the Northwest rivers that salmon, steelhead, lamprey, and other native fish depend upon; and by the interconnectedness of salmon with their ecosystems – from the orca in the ocean and Puget Sound, to the nutrients salmon supply to the furthest inland streams; and

WHEREAS, the United States used federal legislation and executive orders, the United States took land from tribal peoples. Tribal Nations also ceded most of their lands through treaties, but in doing reserved certain rights to protect their cultural way of life; and

WHEREAS, Tribal cultures and lifeways are deeply rooted in place and tied to their homelands. As such Tribal Nations’ tribes cannot just simply relocate to access traditional resources or ceremonial spaces; and

WHEREAS, beginning in the 1930s, and through the use and destruction of the lands, rivers, and fisheries Tribal Nations have lived with for thousands of years, the modern Northwest with its maze of massive irrigation, hydropower, and storage systems was built on the backs of Tribal peoples from the 1930s on, through the use and destruction of the lands, rivers, and fisheries we have lived with for thousands of years; and
WHEREAS, the United States shares a unique political relationship with the Tribes of NCAITribal Nations. Through this special relationship, the United States is bound to honor the obligations it made in Treaties, Executive Orders, adjudicated through numerous federal court decisions, and its trust responsibility to tribal sovereign nations; and

WHEREAS, the fate of many Tribal Nations and the Northwest salmon are intertwined; and

WHEREAS, in the Columbia Basin, the Northwest Power Act and its promise of “equitable treatment” for energy and fish and wildlife did prevent the mid-Columbia fall chinook from being listed under the Endangered Species Act (ESA) but failed to prevent the subsequent listings of salmon and steelhead under the ESA; and

WHEREAS, U.S. District Court Judge Michael Simon in his 2016 ESA and National Environmental Policy Act (NEPA) ruling – rejecting the federal government’s salmon plan for the Columbia River System dams for the fifth time – emphasized that the Federal Columbia River System remains a system literally crying out for a major overhaul, as Judge Marsh observed twenty years earlier; and

WHEREAS, the prior- Trump Administration’s 2020 salmon plans, in response to Judge Simon’s ruling – the 2020 Columbia River System Environmental Impact Statement (EIS), Biological Opinion (BiOp), and Record of Decision (ROD) – were politicized with election-driven timelines, and used to justify flawed conclusions and attempt to solidify inadequate dam operations for the next 15 years; and

WHEREAS, Columbia Basin Tribes expressed special concerns with the prior- Trump Administration’s Columbia River System EIS with respect to its inadequate consideration of Tribal rights, interests, resources, trust lands; its failure to reveal environmental and social justice system impacts on Tribes; its failure to address fish restoration above dams that block fish passage; and its inadequate consideration of the impacts of climate warming; and

WHEREAS, the new Administration and the 117th Congress have a once-in-a-lifetime opportunity – a historical legacy moment – to secure congressional funding to invest in salmon recovery and river restoration throughout the Northwest; and

WHEREAS, Tribes throughout the Columbia Basin have supported Congressman Mike Simpson’s initiative and his “Columbia Basin Initiative” legislative proposal:

- Engage with Tribal Nations directly and regularly;
- Emphasize the very real and imminent salmon extinction crisis;
• Recognize a singular, generational legislative moment, because of the current Administration and current leadership in the Senate and the House, and that this is a moment for action, not for more process;

• Offer a comprehensive framework that embraces actions that have been longstanding priorities for Tribes throughout the Basin: restoring the lower Snake River by breaching the four lower Snake River dams and optimizing spill to benefit salmon at the mainstem federal Columbia River Dams; restoring salmon behind blocked areas in the Upper Columbia and Upper Snake basins; and ensuring that Tribes and State co-managers become responsible for implementing salmon restoration;

NCAI until it is withdrawn or modified by subsequent resolution.

• Identifying this historic moment and opportunity;

Engaging with Tribes directly and regularly;

• Emphasizing the very real and imminent salmon extinction crisis;

• Offering a comprehensive framework that invests in a stronger, better Northwest that goes beyond salmon, ensuring that communities impacted by river restoration are made whole and in doing so offering additional opportunities for Tribes within other sectors from infrastructure and technology development to energy production;

• Highlighting that an interest-based solution will involve legal certainty;

• Engaging in a bipartisan manner against the backdrop of these foundational elements;
• Speaking the truth that failure to act this critical historical moment will be looked back on as the tragedy of the extinction of Snake River salmon populations; and

WHEREAS, the status of Columbia Basin salmon and steelhead species is dire and getting worse. Many populations of Snake River spring Chinook salmon and steelhead are on a steep slope to extinction. The tipping point of where populations become doomed to extinction is identified by biologists as the Quasi-Extinction Threshold (QET); and

• Right now, 42% of the Snake Basin spring/summer Chinook populations are at or below the QET; that is, 50 natural origin spawners or less on the spawning grounds for four consecutive years; and

• 77% of the populations are predicted to drop below the QET level by 2025; and

WHEREAS, time may be even shorter as climatic warming advances and shortens the time to act, and Restoring the lower Snake (now a series of slow-moving, easily warmed lakes) to a naturally flowing river that connects fish to cold, high-altitude, near-pristine Salmon and Clearwater Basin habitat is exactly what is needed for the best possible solution for ecological resilience to warming temperatures; and

WHEREAS, tribal initiatives of Tribal Nations to restore salmon behind dams that block fish passage in the Upper Columbia and Upper Snake River have been limited by availability of funding and assertions of inadequate authorizations; and

WHEREAS, on April 14-15, 2021, the Columbia River Tribes gathered and reached agreement on a set of “common ground” principles underlying their support for Congressman Simpson’s Columbia Basin Initiative:

• The true wealth of our region begins with the health of our rivers, fish, and the ecosystem they support, which is our culture, history and future;
• Agriculture is an important part of our region’s economy;
• Affordable and reliable power is important to regional families and businesses, tribal and non-tribal;
• Providing legal certainty for the vast majority of federal dams in the Columbia/Snake River basins is a necessary element of a lasting solution;
• Providing legal certainty for the vast majority of federal dams in the Columbia/Snake River basins is a necessary element of a lasting solution;
• A significant federal infrastructure investment in alternative energy and transportation provides a unique opportunity to restore salmon while keeping power affordable and maintaining agricultural commerce;

• A comprehensive legislative solution is preferable to all other avenues and is urgently needed;

• The time for action is now. The Columbia Basin cannot become another Klamath Basin crisis; and

WHEREAS, the Southern Resident orcas of Puget Sound, that a being are sacred to many Northwest Tribes, are starving to death because culverts and dams block and impair Chinook salmon migrations and limiting the orcas’ food source; and Governor Inslee’s of the State of Washington’s Orca Recovery Task Force recommended – in addition to other dam and culvert removals – reviewing the need to breach the four lower Snake River dams to help recover the struggling Puget Sound orcas, which resulted in the Lower Snake River Dams Stakeholder Engagement Report and informed Washington State’s statement of management goals and principles for the Columbia and Snake rivers:

• Protecting and restoring abundant, harvestable salmon and steelhead and other native fish species, including contributing to a reliable source of prey for southern resident orcas;

• Honoring Tribal rights, including a future for salmon that supports tribes’ cultural, spiritual, and economic needs;
Providing for a clean, affordable, and reliable energy system that meets our clean energy and climate goals;

- Ensuring affordable and reliable transportation alternatives for wheat farmers in the Palouse and Tri-Cities areas;
- Ensuring reliable irrigation supplies for eastern Washington farms; and

- Protecting and restoring abundant, harvestable salmon and steelhead and other native fish species, including contributing to a reliable course of prey for southern resident orca populations;
- Honoring tribal rights, including a future for salmon that supports tribes’ cultural, spiritual, and economic needs;
- Providing for a clean, affordable, and reliable energy system that meets our clean energy and climate goals;
- Ensuring affordable and reliable transportation alternatives for wheat farmers in the Palouse and Tri-Cities areas;
- Ensuring reliable irrigation supplies for eastern Washington farms; and

WHEREAS, implementation of federal court rulings upholding Treaty-reserved fishing rights and ordering the state of Washington to replace culverts that block fish passage require funding to implement, as do other Tribal habitat, hatchery, and salmon restoration efforts; and

WHEREAS, NCAI stands united in supporting investment in salmon and river restoration in the Northwest and throughout Indian Country.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls on the President of the United States (POTUS) and Executive Branch and the 117th Congress to ensure that funding there are Tribal set-asides immediately available now at this critical ecological juncture to fund for salmon and orca the planning and implementation of bold, tribally supported, actions to protect and revitalize, for example, for salmon and orca populations, and for related river restoration efforts identified in the framework of Congressman Simpson's Energy and Salmon legislative proposal, including restoring the lower Snake River by breaching the four lower Snake River dams; and

BE IT FURTHER RESOLVED, that NCAI requests the POTUS-Executive Branch and 117th Congress to ensure that Tribal species salmon restoration priorities of the Tribes of NCAI are prioritized and fully funded; and

BE IT FURTHER RESOLVED, that NCAI calls for the timely convening of a Northwest Tribal Salmon and Orca Summit, at an NCAI location, with invitations to Presidential...
Administration Executive Branch Officials and to Northwest Congressional Delegation Members, to meet and take timely action with respect to the salmon and orca restoration priorities of the Tribes of NCAITribal Nations; and

BE IT FURTHER RESOLVED, that NCAI requests the POTUS Executive Branch to prioritize working on the actions to protect salmon, and other culturally and economically important fish and wildlife, and river restoration actions identified as the framework of Congressman Simpson’s Energy and Salmon legislative proposal, and withdraw any federal court defense of the prior Administration’s flawed 2020 Columbia River System EIS, BiOp, and ROD’s and other environmental decisions that are inconsistent as otherwise a defense of methods and conclusions inconsistent with the new Administration’s with Tribal environmental and tribal priorities and principles; and

BE IT FURTHER RESOLVED, that this resolution be forwarded to the National Congress of American Indians; and

BE IT FINALLY 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 2021 Mid Year Conference of the National Congress of American Indians, held June 20, 2021 - June 24, 2021, with a quorum present.

Fawn Sharp, President

ATTEST:

Juana Majel Dixon, Recording Secretary
The National Congress of American Indians
Resolution #AK-21-009

TITLE: Calling On The President Of The United States And The 117th Congress To Seize The Once-In-A-Lifetime Congressional Opportunity To Invest In Salmon And River Restoration In The Pacific Northwest, Charting A Stronger, Better Future For The Northwest, And Bringing Long-Ignored Tribal Justice To Our Peoples And Homelands

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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 Tribes of NCAI are united by salmon; by the Northwest rivers that salmon, steelhead, lamprey, and native fish depend upon; and by the interconnectedness of salmon with their ecosystems – from the orca in the ocean and Puget Sound to the nutrients salmon supply to the furthest inland streams; and

WHEREAS, the United States used federal legislation and executive orders to take land from tribal peoples, and tribes ceded most of their land through treaties but reserved certain rights to protect their cultural way of life; and

WHEREAS, tribal cultures and lifeways are rooted in place and tied to their homelands, but tribes cannot just relocate to access traditional resources; and

WHEREAS, the modern Northwest with its massive irrigation, hydropower, and storage systems was built on the backs of tribal peoples from the 1930s on, through the use and destruction of the lands, rivers, and fisheries we have lived with for thousands of years; and

WHEREAS, the United States shares a unique relationship with the Tribes of NCAI, with the United States being bound to honor the obligations to tribes made in Treaties, Executive Orders, adjudicated through numerous federal court decisions and its trust responsibility to tribal sovereign nations; and
WHEREAS, the fate of our Tribes and the Northwest salmon are intertwined; and

WHEREAS, in the Columbia Basin, the Northwest Power Act and its promise of “equitable treatment” for energy and fish and wildlife did prevent the mid-Columbia fall chinook from being listed under the Endangered Species Act (ESA) but failed to prevent the subsequent listings of salmon and steelhead under the ESA; and

WHEREAS, U.S. District Court Judge Michael Simon in his 2016 ESA and National Environmental Policy Act (NEPA) ruling – rejecting the federal government’s salmon plan for the Columbia River System dams for the fifth time – emphasized that the Federal Columbia River System remains a system literally crying out for a major overhaul, as Judge Marsh observed twenty years earlier; and

WHEREAS, the prior Administration’s 2020 salmon plans in response to Judge Simon’s ruling – the 2020 Columbia River System Environmental Impact Statement (EIS), Biological Opinion (BiOp), and Record of Decision (ROD) – were politicized with election-driven timelines, and used the prior Administration’s weakened NEPA and ESA regulations to justify flawed conclusions and attempt to lock in inadequate dam operations for the next 15 years; and

WHEREAS, Columbia Basin Tribes expressed special concerns with the prior Administration’s Columbia River System EIS with respect to its inadequate consideration of Tribal rights, interests, resources, trust lands; its failure to reveal environmental and social justice system impacts on Tribes; its failure to address fish restoration above dams that block fish passage; and its inadequate consideration of the impacts of climate warming; and

WHEREAS, the new Administration and the 117th Congress face a once-in-a-lifetime opportunity – a historical legacy moment – to secure congressional funding to invest in salmon recovery and river restoration throughout the Northwest; and

WHEREAS, Tribes throughout the Columbia Basin have supported Congressman Mike Simpson’s initiative and his “Columbia Basin Initiative” legislative proposal for: NCAI until it is withdrawn or modified by subsequent resolution.

- Identifying this historic moment and opportunity;
- Engaging with Tribes directly and regularly;
- Emphasizing the very real and imminent salmon extinction crisis;
- Recognizing a singular, generational legislative moment, because of the current Administration and current leadership in the Senate and the House, and that this is a moment for action, not for more process;
Offering a comprehensive framework that embraces actions that have been longstanding priorities for Tribes throughout the Basin: restoring the lower Snake River by breaching the four lower Snake River dams and optimizing spill to benefit salmon at the mainstem federal Columbia River Dams; restoring salmon behind blocked areas in the Upper Columbia and Upper Snake basins; and ensuring that Tribes and State co-managers become responsible for implementing salmon restoration;

Offering a solution that invests in a stronger, better Northwest that goes beyond salmon, ensuring that communities impacted by river restoration are made whole – and in doing so offering additional opportunities for Tribes within other sectors – from infrastructure and technology development to energy production;

Highlighting that an interest-based solution will involve legal certainty;

Engaging in a bipartisan manner against the backdrop of these foundational elements;

Speaking the truth that failure to act this critical historical moment will be looked back on as the tragedy of the extinction of Snake River salmon populations; and

WHEREAS, the status of Columbia Basin salmon and steelhead species is dire and getting worse, with many populations of Snake River spring Chinook salmon and steelhead on a steep slope to extinction; the point where populations become doomed to extinction is identified by biologists as the Quasi-Extinction Threshold (QET); and

right now, 42% of the Snake Basin spring/summer Chinook populations are at or below the QET; that is, 50 natural origin spawners or less on the spawning grounds for four consecutive years; and

77% of the populations are predicted to drop below the QET level by 2025; and

WHEREAS, time may be even shorter as climate warming advances, and restoring the lower Snake (now a series of slow-moving, easily warmed lakes) to a naturally flowing river that connects fish to cold, high-altitude, near-pristine Salmon and Clearwater Basin habitat is exactly what is needed for the best possible ecological resilience to warming temperatures; and

WHEREAS, tribal initiatives to restore salmon behind dams that block fish passage in the Upper Columbia and Upper Snake River have been limited by availability of funding and assertions of inadequate authorizations; and

WHEREAS, on April 14-15, 2021, the Columbia River Tribes gathered and reached agreement on a set of “common ground” principles underlying their support for Congressman Simpson’s Columbia Basin Initiative:

The true wealth of our region begins with the health of our rivers, fish, and the ecosystem they support, which is our culture, history and future;
• Agriculture is an important part of our region’s economy;

• Affordable and reliable power is important to regional families and businesses, tribal and non-tribal;

• Providing legal certainty for the vast majority of federal dams in the Columbia/Snake River basins is a necessary element of a lasting solution;

• A significant federal infrastructure investment in alternative energy and transportation provides a unique opportunity to restore salmon while keeping power affordable and maintaining agricultural commerce;

• A comprehensive legislative solution is preferable to all other avenues and is urgently needed;

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WHEREAS, the Southern Resident orcas of Puget Sound, a being sacred to many Northwest Tribes, are starving to death because culverts and dams that block and impair Chinook salmon migrations are limiting the orcas’ food source; and Governor Inslee’s Orca Recovery Task Force recommended – in addition to other dam and culvert removals – reviewing the need to breach the four lower Snake River dams to help recover the struggling Puget Sound orcas, which resulted in the Lower Snake River Dams Stakeholder Engagement Report and informed Washington’s statement of management goals and principles for the Columbia and Snake rivers:

• Protecting and restoring abundant, harvestable salmon and steelhead and other native fish species, including contributing to a reliable source of prey for southern resident orcas;

• Honoring tribal rights, including a future for salmon that supports tribes’ cultural, spiritual, and economic needs;

• Providing for a clean, affordable, and reliable energy system that meets our clean energy and climate goals;

• Ensuring affordable and reliable transportation alternatives for wheat farmers in the Palouse and Tri-Cities areas

• Ensuring reliable irrigation supplies for eastern Washington farms; and

WHEREAS, implementation of federal court rulings upholding Treaty-reserved fishing rights and ordering the state of Washington to replace culverts that block fish passage require funding to implement, as do other Tribal habitat, hatchery, and salmon restoration efforts; and
WHEREAS, NCAI stands united in supporting investment in salmon and river restoration in the Northwest.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls on the President of the United States (POTUS) and the 117th Congress to ensure that funding is set aside now at this critical ecological juncture for salmon and orca, to implement the bold actions for salmon and river restoration identified in the framework of Congressman Simpson’s Energy and Salmon legislative proposal, including restoring the lower Snake River by breaching the four lower Snake River dams; and

BE IT FURTHER RESOLVED, that NCAI requests the POTUS and 117th Congress to ensure that the salmon restoration priorities of the Tribes of NCAI are prioritized and funded; and

BE IT FURTHER RESOLVED, that NCAI calls for the timely convening of a Northwest Tribal Salmon and Orca Summit, at an NCAI location, with invitations to Presidential Administration Officials and to Northwest Congressional Delegation Members, to meet and take timely action with respect to the salmon and orca restoration priorities of the Tribes of NCAI; and

BE IT FURTHER RESOLVED, that NCAI requests the POTUS to prioritize working on the actions for salmon and river restoration identified as the framework of Congressman Simpson’s Energy and Salmon legislative proposal, and withdraw any federal court defense of the prior Administration’s flawed 2020 Columbia River System EIS, BiOp, and ROD as otherwise a defense of methods and conclusions inconsistent with the new Administration’s environmental and tribal principles and priorities; and

BE IT FURTHER RESOLVED, that this resolution be forwarded to the National Congress of American Indians; and

BE IT FINALLY 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 2021 Mid Year Conference of the National Congress of American Indians, held June 20, 2021 - June 24, 2021, with a quorum present.

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Fawn Sharp, President

ATTEST:

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Juana Majel Dixon, Recording Secretary