



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #AK-21-009

EXECUTIVE COMMITTEE

PRESIDENT
Fawn R. Sharp
Quinault Indian Nation

1ST VICE PRESIDENT
Aaron Payment
Sault Ste. Marie Tribe of Chippewa Indians

RECORDING SECRETARY
Juana Majel-Dixon
Pauma Band of Luiseño Indians

TREASURER
Shannon Holsey
Stockbridge-Munsee Band of Mohican Indians

REGIONAL VICE PRESIDENTS

ALASKA
Rob Sanderson, Jr.
Tlingit & Haida Indian Tribes of Alaska

EASTERN OKLAHOMA
Norman Hildebrand
Wyandotte Nation

GREAT PLAINS
Larry Wright, Jr.
Ponca Tribe of Nebraska

MIDWEST
Rebecca Crooks-Stratton
Shakopee Mdewakanton Sioux Community

NORTHEAST
Tina Abrams
Seneca Nation of Indians

NORTHWEST
Leonard Forsman
Suquamish Tribe

PACIFIC
Erica Rae Macias
Cahuilla Band of Indians

ROCKY MOUNTAIN
Mark Pollock
Blackfeet Nation

SOUTHEAST
Nancy Carnley
Ma-Chis Lower Creek Indian Tribe of Alabama

SOUTHERN PLAINS
Robert Tippeconnie
Comanche Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh Pueblo

WESTERN
Amber Torres
Walker River Paiute Tribe

CHIEF EXECUTIVE OFFICER
Dante Desiderio
Sappony

NCAI HEADQUARTERS

1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

TITLE: Calling On The President and Congress to Invest in Salmon And River Restoration In The Pacific Northwest

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, through legislation and executive orders, the United States took land from tribal peoples. Tribal Nations also ceded lands through treaties, but in so 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 cannot simply relocate to access traditional resources or ceremonial places; 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 is a maze of massive irrigation, hydropower, and storage systems built on the backs of Tribal peoples ; and

WHEREAS, the United States has a unique political relationship with Tribal Nations. Through this special relationship, the United States is bound to honor the obligations it has made in Treaties, Executive Orders, adjudicated through numerous federal court decisions, and its trust responsibility to sovereign Tribal 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 for Oregon in its 2016 ESA and National Environmental Policy Act (NEPA) ruling (*Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv.*, 186 F.Supp 3d. 861 (D. Or. 2106)) – 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 that Court observed twenty years earlier in the same case; and

WHEREAS, the prior Administration’s 2020 salmon plans in response to Oregon District Court's 2016 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, Tribal Nations and Congress has a once-in-a-lifetime opportunity – a historical legacy moment – to secure funding to invest in salmon recovery and river restoration throughout the Northwest; and

WHEREAS, Tribal Nations throughout the Columbia Basin have supported legislative proposals that:

- 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 mainstream 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;

- Offer 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;
- Highlights that an interest-based solution will involve legal certainty;
- Engages in a bipartisan manner against the backdrop of these foundational elements;
- Speaks 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 are dire and getting worse. Many populations of Snake River spring Chinook salmon and steelhead at the tipping point of extinction – identified by biologists as the Quasi-Extinction Threshold (QET);

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

WHEREAS, climatic warming shortens the time to act. 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 the best possible solution for ecological resilience to warming temperatures; and

WHEREAS, the 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 are sacred to many Northwest Tribes, are starving to death because culverts and dams block and impair Chinook salmon migrations and limit the orcas' food source; and Governor 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 States' 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 Tribal cultural, spiritual, ceremonial, subsistence, 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 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 Executive Branch and 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 the Columbia Basin Initiative 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 Executive Branch and Congress ensure that Tribal species restoration actions are prioritized and fully funded; and

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

BE IT FURTHER RESOLVED, that NCAI requests the Executive Branch and Congress prioritize working on actions to protect salmon, and other culturally and economically important fish and wildlife, and river restoration actions, and withdraw any federal court defense of the prior Administration's 2020 Columbia River System EIS, BiOp, and ROD's and other environmental decisions that are inconsistent with Tribal environmental principles and priorities; 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