The National Congress of American Indians
Resolution #SD-15-068

TITLE: Urge Support for Federal Legislation to Substantiate Existing Federal Rights-of-Way on Tribal Lands

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, many tribal nations within the United States struggle with the uncertainty created by the inability to locate legal documentation to substantiate numerous existing federal rights-of-way or easements for roads, water lines, irrigation canals, and electrical transmission lines (Undocumented Federal ROW) within their lands; and

WHEREAS, undocumented Federal ROW create obstacles to tribal nations’ ability to plan for and undertake housing projects, expansion of utility services, new roads and economic development on their lands, and in some instances interfere with tribal nations’ ability to fulfill their obligations under water settlements; and

WHEREAS, there is a benefit to tribal nations, its members and allottees by establishing legal documentation to substantiate Undocumented Federal ROW that serve tribal lands; and

WHEREAS, the United States has an obligation to assist tribal nations address the problems of Undocumented Federal ROW and should support tribal nations who seek federal legislation establishing legal documentation to substantiate Undocumented Federal ROW that serve tribal lands and provides funds to facilitate establishing legal documentation to substantiate Undocumented Federal ROW.
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby urges the Administration and Congress to support tribal nations who seek federal legislation establishing legal documentation to substantiate Undocumented Federal ROW that serve tribal lands and provide funds to facilitate establishing legal documentation to substantiate Undocumented Federal ROW; 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 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.

[Signature]
Brian Cladoosby, President

ATTEST:

[Signature]
Aaron Payment, Recording Secretary