



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #REN-13-017

TITLE: Opposing Federal Actions that Threaten Eagle Populations Without Regard for Tribal Interests and Authority

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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, bald and golden Eagles (Eagles) are vitally important to tribal governments and people because of their cultural and spiritual significance, and Eagles, their populations, nests, migration areas, and other activities must be protected to ensure the longevity of the species and preserve tribal cultural, religious, and spiritual practices; and

WHEREAS, the Federal government is encouraging the development of wind energy projects, including projects located on and proximate to tribal lands, some of which are threatening and resulting in the killing of Eagles, and the U.S. Fish and Wildlife Service (Service) may issue permits to wind energy project operators to kill Eagles; and

WHEREAS, to date, the Service has never issued a permit to allow a wind energy project to kill Eagles; but is currently considering issuing a permit to allow a private wind energy project located on Osage Nation territory, known as the Osage Wind Energy Project, to kill up to 120 bald eagles; and

WHEREAS, the Osage Wind Energy Project developer did not consult with the Osage Nation regarding the Eagle take permit and, in the permit application, significantly understated the number of bald eagles in the area and failed to identify the potential for the Project to kill golden eagles as well; and

WHEREAS, authorizing the Osage Wind Energy Project to kill Eagles in Osage Nation territory absent the tribe's consent would set a dangerous precedent that will limit the ability of all tribes in the U.S. to protect their cultural resources, and also raises questions about whether the Service is appropriately following its trust obligations and its own regulations requiring the evaluation of cultural significances of eagle population to Native people; and

WHEREAS, on September 20, 2012, NCAI sent a letter to the Counselor to the Assistant Secretary – Indians Affairs, expressing opposition to Executive Order 13604, *Improving Performance of Federal Permitting and Review of Infrastructure Projects*, which expedites energy projects and places tremendous burdens on tribes by precluding government-to-government consultation and endangers tribal sacred places, burial grounds, and other cultural rights; and

WHEREAS, on May 3, 2013, NCAI sent a letter to the Director of the Service raising concerns that issuing a permit to the Osage Wind Energy Project “could set a very harmful and detrimental precedent for tribes and future eagle protection efforts”, which also referenced a September 20, 2012, letter sent to the Department of the Interior, Counselor to the Assistant Secretary – Indian Affairs stating tribal opposition to Executive Order 13604; and

WHEREAS, the Service is also proposing to revise its regulations to extend the maximum term for Eagle take permits from five years to 30 years, and has failed to consult with tribes despite repeated requests by tribal governments and organizations; and

WHEREAS, authorizing the killing of Eagles on tribal lands and extending Eagle kill permits by 25 years are major Federal policy decisions that jeopardize the vitality of Eagle populations and threaten tribal religions and cultures that depend on them; and

NOW THEREFORE BE IT RESOLVED, that NCAI opposes the U.S. Fish and Wildlife Service authorizing the killing of Eagles on tribal lands when the affected tribe has not given its express consent, and NCAI opposes any changes to Federal policies concerning Eagles without formal consultation with tribal governments, tribal religious and spiritual leaders, and tribal conservation and environmental experts, consistent with the requirements of Executive Order 13175 and the Service’s own consultation policy; and

BE IT FURTHER RESOLVED, the NCAI reaffirms its continued opposition to Executive Order 13604 when expedited energy projects are fast-tracked without meaningful consultation with tribal nations and threaten to desecrate tribal sacred places and rights to practice our traditional and religious beliefs; 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 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.



 President

ATTEST:



 Recording Secretary