



# NATIONAL CONGRESS OF AMERICAN INDIANS

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## THE NATIONAL CONGRESS OF AMERICAN INDIANS

### RESOLUTION #SD-02-036

#### **Title: Support of Permit Denial for King William Reservoir**

**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 and their way of life, 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 health, safety, welfare, education, economic and employment, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

**WHEREAS**, by Resolution #VAN-99-041, NCAI supported the preliminary decision of the U.S. Army Corps of Engineers to deny a federal wetland fill permit to the City of Newport News, Virginia for the creation of the King William Dam and Reservoir. The Dam and Reservoir would take up to one-third of the water from the Mattaponi River immediately upstream from the Mattaponi Indian Reservation, destroy numerous Native American cultural sites and prevent the Mattaponi Tribe from using traditional hunting and gathering grounds and flood 437 acres of forested wetlands; and

**WHEREAS**, the Mattaponi Indian Tribe has existed on the banks of the Mattaponi River since time immemorial; is descended from the great Wahuntsenacock (known as "Chief Powhatan"); occupies a Reservation in King William County, Virginia, that was created in 1658; currently relies on a traditional

subsistence fishing operation; operates and American shad hatchery on the Mattaponi Reservation; has treaty-guaranteed fishing, hunting and gathering rights; and

**WHEREAS**, the proposed Reservoir would take up to 75 million gallons of fresh water each day from the tidal Mattaponi River just five river-miles upstream from the Mattaponi Indian Reservation; and

**WHEREAS**, the proposed Reservoir would flood 500 acres of the Mattaponi Tribe's ancestral homeland, including treaty-protected hunting and gathering grounds, 72 documented prehistoric Native American archaeological sites that are recognized as eligible for the National Register of Historic Places, traditional cultural/religious properties of the Mattaponi Indian Tribe, and 437 acres of forested wetlands (the largest wetlands taking in Virginia since enactment of the Clean Water Act); and

**WHEREAS**, on October 1, 2002, Brigadier General M. Stephen Rhoades, the U.S. Army Corps of Engineers North Atlantic Division Commander refused to follow the recommendation of the Corps' Norfolk District to deny the permit to construct the Reservoir; as a result, the permit process will proceed to consider an updated wetlands mitigation plan, Coastal Zone Management Act compliance and National Historic Preservation Act compliance; and there is a likelihood that if these actions are completed the Army Corps of Engineers will issue the permit to construct the Reservoir.

**NOW THEREFORE BE IT RESOLVED**, that NCAI does hereby object to the decision of the Army Corps of Engineers to continue the permit process because it creates a substantial risk that the lands, fishery and cultural resources of the Mattaponi Tribe will be irrevocably harmed; and

**BE IT FURTHER RESOLVED**, that NCAI does hereby strongly urge the Army Corps of Engineers to deny the permit to construct the Reservoir; 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 at the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002 with a quorum present.

  
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Tex Hall, President

**ATTEST:**

  
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Juana Mabel, Recording Secretary

Adopted by the General Assembly during the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002.