



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #LNK-12-002

TITLE: Protection and Preservation of Traditional Ceremonial Structures

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, the NCAI supports the preservation of cultural integrity and protection of sacred lands and practices, as well as access to and protected use of sacred sites no longer within tribal lands; and

WHEREAS, spiritual ceremonies are intrinsic to the survival of the culture of American Indians all across the United States. The protocol, design and materials of traditional ceremonial structures as passed down by the ancestors, who understood intimately the natural processes and related potential hazards encountered in the lands where they lived, are intrinsic to the ceremonies. The ceremonies maintain world order, and are for the healing of the all land and all that is in it and on it, and for all the peoples, protecting and preserving the resources of a living people; and

WHEREAS, for more than 36 years American Indian Council of Mariposa County (AICMC) also known as Southern Sierra Miwuk Nation, tribal members who are now Tribal Elders, worked with federal officials in Washington DC and the public to plan for a ceremonial roundhouse. Approved by the Secretary of the Interior, the 1980 YNP General Management Plan (GMP) (still in effect) provided for a "traditional roundhouse" to be situated at the prehistoric Wauhoga Village site in Yosemite Valley. A 1997 *Agreement Between the National Park Service, Yosemite National Park and The American Indian Council of Mariposa County, Inc., for Conducting Traditional Activities* expires on October 17, 2012; and

WHEREAS, the National Environmental Policy Act (NEPA) process analyzed and approved the construction of "traditional village facilities" that would include a "partly subterranean ceremonial roundhouse;" and

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WHEREAS, California Indians have been building ceremonial roundhouses for centuries, and have found no legends, myths, oral histories, stories, reports or any other indication of physical harm resulting from faulty construction; and

WHEREAS, on June 7, 2009, Acting Deputy Superintendent J. F. Hammett presided over groundbreaking for the 3rd traditional ceremonial roundhouse built in Yosemite Valley using traditional protocol, design, and materials. The 1 st was built in 1973 and replaced in 1992. Both withstood snow loads, seismic instability, and other risk factors typical in Yosemite Valley with no health and life safety problems related to structural integrity reported. The 2nd is in current use; and

WHEREAS, in accordance with the GMP, NEPA, and Yosemite Conservancy grant, building of the traditional ceremonial roundhouse using traditional protocol, materials, and design was one-third complete, with the excavation, stone wall, and medicine poles installed, when in a letter dated April 4, 2011, NPS YNP Superintendent Neubacher stopped work invoking, for the first time in 36 years of planning, the application of nationally accepted codes, standards, and engineering principles in constructing a traditional ceremonial structure. A letter dated May 17, 2011, from the NPS YNP Superintendent Neubacher cited a requirement of 40 USC Section 3312(b) to ensure new structures comply with nationally recognized building codes; and

WHEREAS, the indigenous people of YNP, the Seven Associated Tribes who are the Southern Sierra Miwuk Nation, the Tuolumne Band of Me- Wuk Indians, the Bridgeport Indian Colony, the Mono Lake Kutzadika^a Tribe, the Bishop Paiute Tribe, the North Fork Rancheria of Mono Indians and the Picayune Rancheria of Chukchansi Indians assert that there are no "nationally accepted codes and standards" that apply to traditional ceremonial structures, and that 40 USC Section 3312(b) was never intended to apply to traditional ceremonial structures such as those constructed by American Indians in Yosemite Valley and other places in California and the United States; and

WHEREAS, building a traditional ceremonial structure according to building code would destroy the spiritual context. Allowing onerous and unnecessary building codes to restrict traditional ceremonial structures will set a precedent locally, regionally, and nationally negatively affecting all efforts to construct traditional ceremonial structures in the United States, repressing spiritual, traditional, and cultural customs of all American Indians impacting their ability to properly conduct spiritual ceremonies.

NOW THEREFORE BE IT RESOLVED, that the NCAI supports and will advocate to the federal government, the following policies for Traditional Ceremonial Structures:

- 1) 40 USC Section 3312(b) does not apply to traditional ceremonial structures.
- 2) Traditional ceremonial structures shall be exempt from nationally accepted building codes.
- 3) Traditional ceremonial structures are intricate to traditional ceremonies.
- 4) Changes from traditional spiritual ways weaken the medicine of the traditional ceremonial structure.
- 5) The National Park Service should sign the 15-year extension to the October 17, 1997 Agreement; and

BE IT FURTHER RESOLVED, that this resolution embodies and 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 2012 Mid-Year Session of the National Congress of American Indians, held at The Cornhusker Hotel from June 17-20, 2012 in Lincoln, Nebraska, with a quorum present.


President

ATTEST:


Recording Secretary