



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #RAP-10-050

TITLE: In Support of the Indian Energy Promotion and Parity Act of 2010

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, Indian lands are blessed with significant renewable energy resources such as biomass, geothermal, solar, and wind, as well as traditional energy resources such as coal, oil, and natural gas; and

WHEREAS, some Tribes depend solely on energy resources to operate their government and attend to the needs of their people; and

WHEREAS, many Tribes face significant economic harm due to the failure of the United States Environmental Protection Agency (“EPA”) to promulgate a rule that would serve to regulate energy producers engaged in energy exploration and production activities involving the operation of “minor source” facilities within Indian Country under the Clean Air Act (“CAA”); and

WHEREAS, these and other existing regulations have served to stymie their economic endeavors; and

WHEREAS, this lack of a “minor source” permitting rule within Indian Country has created a situation where Tribes are forced to forego and sacrifice much needed economic development on the Reservation because energy producers are dissuaded from engaging in development activities in Indian Country as a result of overbroad and unduly burdensome regulations; and

WHEREAS, for many Indian tribes, the development of energy resources on their lands has resulted in substantial economic activity, job creation, and the generation of much-needed revenue to fund governmental programs and services for tribal members; and

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WHEREAS, to accrue the same social and economic benefits, other Indian tribes are increasingly interested in pursuing energy resource development on their lands; and

WHEREAS, despite the enactment in recent years of laws designed to address the legal, regulatory, and fiscal impediments hindering Indian energy development, challenges remain that require action from the U.S. Congress and the U.S. Executive Branch; and

WHEREAS, since 2007, the U.S. Senate Committee on Indian Affairs, under the leadership of Chairman Byron Dorgan, has held numerous briefings, roundtables, and formal hearings to receive the views of Indian Country on the challenges to more vigorous development of Indian energy resources; and

WHEREAS, NCAI understands that before the upcoming 4th of July Congressional Recess, Chairman Dorgan intends to introduce the “Indian Energy Promotion and Parity Act of 2010,” to include a comprehensive set of amendments to existing statutes to address outdated laws and cumbersome regulations; to improve tribal access to the transmission grid; and to enhance tribal access to capital and financing; and

WHEREAS, the March 12, 2010 draft of the “Indian Energy Promotion and Parity Act of 2010,” if enacted, would provide important changes to federal law through Federal agency reforms, Indian land leasing liberalization, energy resource planning provisions, technical assistance, integration of Indian tribes in regional and national infrastructure planning, removal of uneconomic tax and redundant regulatory requirements, tribal access to energy efficiency and home weatherization programs, energy development tax incentives, and a host of other proposals; and

WHEREAS, the “Indian Energy Promotion and Parity Act of 2010,” if enacted, would serve the interests and aspirations of Indian tribes wishing to develop their energy resources --- whether renewable or traditional or both --- and would respect and seek to assist the development decisions of the respective tribes.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby recommend that the Congress include a provision in the Indian Energy Promotion and Parity Act of 2010, Discussion Draft that would require EPA to finalize and enact a proposed minor source rule within six months of the date of enactment of the Act; and

BE IT FURTHER RESOLVED, that the NCAI, having thoroughly reviewed the provisions of the “Indian Energy Promotion and Parity Act of 2010,” calls on the Congress to adopt the bill with this amendment and to send the measure to President Obama for his consideration; and

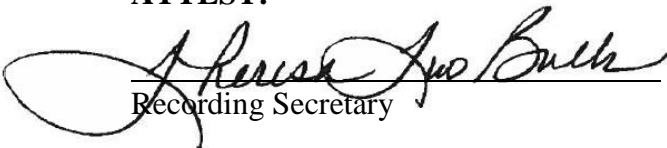
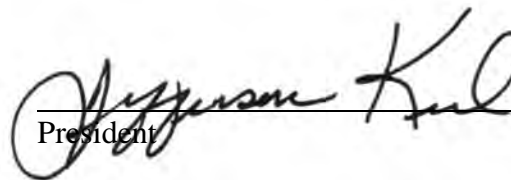
BE IT FURTHER RESOLVED, that all forms of power produced on Indian Trust land shall be treated as federal power for purposes of marketing and distribution; and

BE IT FURTHER RESOLVED, that all revenue derived from energy produced on Indian trust lands should be considered to be trust income; 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 2010 Mid-Year Session of the National Congress of American Indians, held at the Rushmore Plaza Civic Center in Rapid City, South Dakota on June 20-23, 2010, with a quorum present.

ATTEST:
Recording Secretary
President