



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SPO-16-025

TITLE: Request for Tribal Representation on State Energy Councils

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Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

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, tribes as part of the American family of governments—tribal, federal, and state—must be included as representatives on advisory boards and other governmental bodies as stakeholders in policy decision-making and oversight; and

WHEREAS, the Energy Facility Site Evaluation Council (EFSEC) for Washington State is the oversight regulatory authority for the siting, construction, operation, and decommissioning of certain large-scale energy projects; and

WHEREAS, the types of energy facilities under EFSEC authority include Thermal Electrical Generation, Alternative Energy Electrical Generation, Pipelines, Electrical Transmission Lines, Petroleum Refineries, Petroleum Storage; and

WHEREAS, EFSEC also conducts adjudicative proceedings to allow applicants and opponents to present information to support their case concerning proposed large-scale energy projects; and

WHEREAS, EFSEC is a Washington State Board comprised of a Chairman appointed by the Governor and representatives from five State Agencies; and

WHEREAS, the Council is augmented by representatives from the particular counties, cities, or port districts where potential projects may be located, as well as additional state agencies that can opt-in to the review of a new proposal; and

WHEREAS, tribes should also be listed as an eligible entity to serve on EFSEC and on all state energy advisory councils, when there is expanded representation of other governing authorities; and

WHEREAS, the health and welfare of our people and the water, air, land and sacred first foods we rely upon continue to be at risk due to proposed new developments that are subject to processes and eventual recommendations from EFSEC; and

WHEREAS, through the Centennial Accord, treaties, statutes, executive orders, judicial decisions, and other means, Washington State has a unique legal and political obligation with tribes that calls for meaningful consultation and collaboration concerning proposals and processes brought forward to EFSEC that are of concern to tribes; and

WHEREAS, there is significant overlap in jurisdictions and potential impacts between states and tribes when it comes to natural resources management concerns and it is not uncommon to have tribal representation on other state advisory boards and councils; and

WHEREAS, co-management, collaboration, and co-decision-making between all stake holders is the best policy to ensure that the management of natural resources across multiple jurisdictions supports a balance of development and protection for all citizens in the impacted areas.

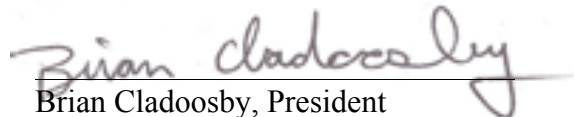
THEREFORE BE IT RESOLVED, that the National Congress of American Indians does hereby call upon the State of Washington and the Governor to take immediate action to address the lack of tribal representation on the Energy Facility Site Evaluation Council, including to: (1) review with tribes the adequacy of tribal representation on all State Boards and Committees; (2) request a review by the Washington State Attorney General of legal authorities that mandate or would encourage the expansion of tribal representation on state boards and committees; and (3) ensure immediate outreach by the Governor's office to tribes with treaty or aboriginal rights that may be affected by projects requiring the Governor's review, prior to closing the public record of decision on project applications, to ensure appropriate consultation; and

BE IT FURTHER RESOLVED, that NCAI does hereby call upon the State of Washington and its Governor to immediately work with tribes on rectifying concerns by including appropriate tribal representation on the Energy Facility Site Evaluation Council and NCAI also calls for the inclusion of tribal representatives on state boards and advisory councils where tribal lands and natural resources are impacted; 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 2016 Midyear Session of the National Congress of American Indians, held at the Spokane Convention Center, June 27 to June 30, 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary