TITLE: Modernizing the U.S. – Canada Columbia River Treaty

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 negotiation and implementation of the Columbia River Treaty between the United States and Canada was completed without the prior and informed consent of the Columbia Basin tribes and First Nations and did not include ecosystem considerations, has resulted in substantial direct effects on the management authorities and responsibilities of the Columbia Basin tribes, and has devastated cultural and natural resources upon which they depend; and

WHEREAS, the Columbia River Treaty should be modernized to include management for a healthy and resilient ecosystem throughout the Columbia River Basin as a third primary purpose of the Treaty, equal to hydropower and flood risk management, which was also included in the U.S. Entity’s Regional Recommendation Concerning the Future of the Columbia River Treaty after 2024 as submitted to the U.S. Department of State; and

WHEREAS, the Regional Recommendation prescribes conducting a regional flood risk management review that enhances spring and summer flows with river and reservoir management that benefits tribal cultural resources including First Foods while providing adequate flood risk protection, and is also dependent upon pursuing the restoration of fish passage and the reintroduction of anadromous fish to Canadian spawning grounds; and

WHEREAS, through the Constitution, treaties, statutes, executive orders, and judicial decisions, the United States has a unique legal and political relationship with the Columbia Basin tribes and the President has charged the U.S. Department of State to engage in regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications in recognition of this relationship.
NOW THEREFORE BE IT RESOLVED, that U.S. Department of State should recommend to the President of the United States that the Columbia River Treaty must be modernized to integrate ecosystem function as a third primary purpose, consistent with the trust and fiduciary obligations the United States owes to the tribes; and

BE IT FURTHER RESOLVED, that NCAI does hereby urge all federal agencies to consult and collaborate with the Columbia Basin tribes during the Interagency Policy Committee’s review of the U.S. Entity’s Regional Recommendation Concerning the Future of the Columbia River Treaty after 2024; and

BE IT FURTHER RESOLVED, that NCAI does hereby call upon the President to instruct the Secretary of State to immediately pursue consultation and collaboration with the Columbia Basin tribes during its consideration of the future of the Columbia River Treaty and its national interests determination, and to include tribal representatives on the negotiation team and as members of the U.S. Entity for the implementation of the modernized Treaty, even as the department begins its work on the development of a formal consultation policy; and

BE IT FURTHER RESOLVED, that NCAI does hereby urge the U.S. Army Corps of Engineers to immediately initiate a regional flood risk management review that enhances spring and summer flows with river and reservoir management that benefits tribal cultural resources, including First Foods while providing adequate flood risk protection, and urges all pertinent federal agencies to work with the Columbia Basin tribes to investigate and implement a program to restore fish passage and reintroduce anadromous fish to Canadian spawning grounds, including any authorization required to complete these actions; 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 2014 Mid-Year Session of the National Congress of American Indians, held at the Dena'ina Civic & Convention Center, June 8-11, 2014 in Anchorage, Alaska, with a quorum present.

[Signature]
President

ATTEST:

[Signature]
Recording Secretary

Page 2 of 2