



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-20-058

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NCAI HEADQUARTERS

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

TITLE: Supporting A Tribal Government's Right to Lease Water

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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 U.S. Congress and the Department of the Interior have long recognized a tribal government's sovereign right to lease its trust assets, including land, timber and minerals; and

WHEREAS, Congress has recognized, in enacting the Indian Trust Asset Reform Act of 2016, PL114-178, that Indian nations have the authority to assume full responsibility of the management of their trust assets pursuant to the agreement of the Department of the Interior;

WHEREAS, in several instances, in the context of congressionally enacted tribal water settlements, the U.S. Congress has recognized the sovereign right of a tribe to lease its water; and

WHEREAS, tribal nations with court decreed rights retain their full inherent rights to manage and use their water rights in any manner that serves the best interest of the tribal nation; and

WHEREAS, Native American tribes often hold the most senior and secure water rights in water basins across the country; and

WHEREAS, drought and water shortage across the west and southwest are straining water systems and there is an identified need to implement flexible solutions now; and

WHEREAS, water leasing authority presents unique economic development opportunities for tribal nations, while helping local non-Indian communities address critical impacts from ongoing drought conditions; and

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) strongly supports the rights of Native American tribal governments to utilize their inherent sovereignty to manage all trust assets, including water; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians (NCAI) urges Congressional action to affirm tribal governments' inherent authority to lease, exchange and store underground a portion of consumptively used decreed water allocation, off of its reservation, within the state in which the water rights are allocated; 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 2020 Annual Session of the National Congress of American Indians, held November 8-13, 2020 with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary