



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution # ANC-22-002

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TITLE: Supporting the Tule River Tribe Reserved Water Rights Settlement Agreement

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 health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, the preservation, protection, and development of Indian water resources is of paramount importance to the continued vitality of reservation economies, to the preservation of tribal culture, and religious practices, and to ensure that the next generations will inherit sustainable homelands; and

WHEREAS, the President of the United States, by a series of three Executive Orders, on January 9, 1873, October 3, 1873, and August 3, 1878, set aside and defined the boundaries of the Tule River Indian Reservation for the purpose of providing a permanent and sustainable homeland for the Tule River Indians; and

WHEREAS, pursuant to the doctrine of federally reserved water rights, the Tule River Tribe has a right to water sufficient to fulfill the purposes of the Reservation, which includes ensuring a permanent and sustainable homeland for the Tribe; and

WHEREAS, since 1971, the Tribe has diligently worked to establish its federally reserved water rights to ensure that the Tribe has sufficient water to meet its current and future water needs; and

WHEREAS, the Tribe's right to water can best be resolved by a single, comprehensive settlement agreement entered into by and among the Tribe, downstream water users, and the United States, which agreement will be ratified by the United States Congress; and

WHEREAS, settlement of the Tribe's potential claims against the U.S. for its failure to protect certain negotiated treaties and land rights should include provisions to allow for the transfer of sacred lands within the Sequoia National Monument back to the Tribe; and

WHEREAS, the settlement of the Tribe's potential claims against the U.S. should further include provisions to enter into agreed upon co-management with the United States Forest Service for lands near the Tule River Indian Reservation not transferred to the Tribe; and

WHEREAS, the parties have reached an agreement in principal that includes terms to address all of the above, and settlement legislation is ready to be introduced in the form of the Tule River Water Settlement Bill; and

WHEREAS, the Bill has yet to be introduced in the U.S. House of Representatives or the U.S. Senate; and

WHEREAS, the Tribe urges for the swift passage of the Tule River Water Settlement Bill into law so that water may be equitably apportioned according to the bill terms.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) supports the Tule River Tribe in their efforts to urge swift passage of the Tule River Water Settlement Bill and supports other legislation that will adequately address the concerns listed above in protection of Tule River's water access; 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 Mid Year Conference of the National Congress of American Indians, held in Anchorage, Alaska from June 12-16, 2022 with a quorum present.



Fawn Sharp, President

ATTEST:



Stephen Roe Lewis, Recording Secretary