



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ECWS-002

TITLE: Opposing Draft Legislation That Would Take Uncompahgre Reservation Homelands

EXECUTIVE COMMITTEE

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Brian Cladoosby
Swinomish Tribe

FIRST VICE-PRESIDENT
Fawn Sharp
Quinalt Indian Nation

RECORDING SECRETARY
Aaron Payment
*Sault Ste. Marie Tribe of Chippewa
Indians of Michigan*

TREASURER
W. Ron Allen
Jamestown S'Klallam Tribe

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

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Native Village of Tanacross

EASTERN OKLAHOMA
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GREAT PLAINS
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SOUTHWEST
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Bruce Ignacio
Ute Indian Tribe

EXECUTIVE DIRECTOR
Jacqueline Pata
Tlingit

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 Ute Indian Tribe of the Uintah and Ouray Reservation was a founding member of the NCAI and has been an active member and participant since the NCAI was first established; and

WHEREAS, on January 5, 1882, a reservation, known as the Uncompahgre Reservation, was formally established for the Uncompahgre Utes in Utah by President Chester A. Arthur pursuant to an Executive Order; and

WHEREAS, the 10th Circuit Court of Appeals found in *Ute Indian Tribe v. Utah*, 773 F.2d 1087, 1093 (10th Cir. 1985) (Ute III), *reaffirmed by Ute Indian Tribe v. Utah*, 114 F.3d 1513, 1528 (10th Cir. 1997) (Ute V) that the Uncompahgre Reservation has not been disestablished or diminished; and

WHEREAS, a draft Utah Public Lands Initiative bill would transfer over 100,000 acres of the Ute Indian Tribe's land and minerals within the Uncompahgre Reservation as part of a proposed land exchange between the Bureau of Land Management (BLM) and Utah's School and Institutional Trust Lands Administration (SITLA); and

WHEREAS, these lands within the Uncompahgre Reservation are currently managed by the BLM, but should have been restored to Indian trust status and managed by the Bureau Indian Affairs following the passage of the Indian Reorganization Act in 1934; and

WHEREAS, NCAI, through enactment of Resolution #SD-15-026, has previously supported the Ute Indian Tribe's request that the Secretary of the Interior issue an order restoring all unsold land on the Uncompahgre Reservation to tribal trust under 25 U.S.C. § 463(a) and has called upon the President of the United States issue an executive order reaffirming the boundaries of the Uncompahgre Reservation; and

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WHEREAS, in seeking to take the Ute Indian Tribe's Reservation lands within the Uncompahgre, the draft Utah Public Lands Initiative bill is unjust, counter to existing Federal law, undermines modern Federal policies promoting tribal self-determination and economic development, undermines the Ute Indian Tribe's role as a major energy producer and engine for economic growth in northeast Utah and is likely to result in long-term litigation which will serve to bring more uncertainty and conflict to land disputes in Utah; and

WHEREAS, the draft Utah Public Lands Initiative bill does not account for and is counter to tribal interests and existing Federal laws related to tribal water rights and rights-of ways on tribal lands and within Indian Country; and

WHEREAS, there are several pieces of legislation pending in Congress which seek to transfer federally protected public lands to state or private ownership, thus extinguishing the federal trust responsibility and treaty rights protection to hunting, fishing, gathering, traditional and cultural purposes, and tribal access to these ancestral Indian homelands; and

WHEREAS, NCAI finds that the era of taking ancestral Indian homelands for the benefit of non-Indians is over and that further efforts to take tribal lands should be opposed by all.

NOW THEREFORE BE IT RESOLVED that NCAI again calls upon the Secretary of the Interior to immediately issue an Order of Restoration restoring all remaining surplus lands located on the Uncompahgre Reservation pursuant to 25 U.S.C. § 463 to protect the Ute Indian Tribe's Reservation and homeland; and

BE IT FURTHER RESOLVED, that NCAI calls for thorough consultation with all tribal government stakeholders in Utah before further action on the draft Utah Public Lands Initiative bill; and

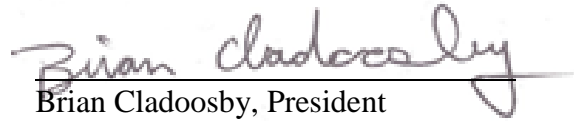
BE IT FURTHER RESOLVED, that NCAI opposes any attempt in the draft Utah Public Lands Initiative bill to take the Uncompahgre Reservation homelands of the Ute Indian Tribe for the benefit of non-Indians; and

BE IT FURTHER RESOLVED, that NCAI calls on members of Congress to oppose the Utah Public Lands Initiative bill and seek the removal of provisions taking Uncompahgre Reservation homelands from the draft bill; and

NOW BE IT FINALLY RESOLVED, NCAI opposes any attempt to transfer federally protected public lands to state or private ownership thus abrogating the federally trust responsibility and tribal treaty rights protecting the use of Indian ancestral homelands for hunting, fishing, gathering, cultural and traditional uses, or other tribal uses/access.

CERTIFICATION

The foregoing resolution was adopted by the Executive Committee at the 2016 Executive Winter Session of the National Congress of American Indians, held at the Capitol Hilton, Washington D.C. February 22-25, 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary