



NATIONAL CONGRESS OF AMERICAN INDIANS

March 14, 2016

The Honorable Mitch McConnell
Majority Leader, U.S. Senate
U.S. Capitol Building, S-230
Washington, DC 20510

The Honorable Harry Reid
Minority Leader, U.S. Senate
U.S. Capitol Building, S-221
Washington, DC 20510

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Ute Indian Tribe

EXECUTIVE DIRECTOR
Jacqueline Pata
Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
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www.ncai.org

RE: NCAI OPPOSITION TO SENATE AMENDMENT 3447 TO S. 2012, THE *ENERGY POLICY MODERNIZATION ACT OF 2015*

Dear Senator McConnell and Senator Reid:

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative organization of American Indian and Alaska Native tribal governments, I write to express our strong opposition to Senate Amendment 3447 to S. 2012, the *Energy Policy Modernization Act of 2015*. Senate Amendment 3447, filed on March 7, 2016, would undermine efforts to designate the Bears Ears area in southeastern Utah as a National Monument.

Aside from the conservation benefits the area would receive as a National Monument, the Bears Ears area contains over 100,000 archaeological sites and holds sacred significance to the region's tribal identities, history, and traditions. Throughout history many tribes across the country were relocated off their traditional homelands to reservations, and many of these relocations resulted in loss of access to sacred and ceremonial areas. Due to these actions, many tribal sacred places across the country are located in or around other federal lands such as National Forests or parks.

The Bears Ears area holds immense sacred, cultural, and ceremonial significance to tribes in the region including the Hopi, Navajo, Ute Mountain Ute, Zuni, and Uintah and Ouray Ute tribes who have formed the Bears Ears Inter-Tribal Coalition to protect and preserve this location. NCAI's membership has lent its support to the Coalition and its allies through adoption of Resolution #EC-15-002, "Support the Presidential Proclamation of the Bears Ears National Monument, Including Collaborative Management Between Tribal Nations and the Federal Agencies" (attached).

The Antiquities Act is one of the few legal instruments that can be used to protect areas of historical and cultural significance to tribes, and the Administration has used this law to protect tribal sacred places in the past. An earlier attempt to limit the President's authority to designate National Monuments failed during prior consideration of S. 2012 in February of this year. We ask you to stand with Indian country and NCAI and oppose Senate Amendment 3447 filed to S. 2012.

Sincerely,

Jacqueline Johnson Pata
Executive Director
National Congress of American Indians



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #EC-15-002

TITLE: Supporting the Presidential Proclamation of the Bears Ears National Monument, Including Collaborative Management Between Tribal Nations and the Federal Agencies

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ROCKY MOUNTAIN
Ivan Posey
Shoshone Tribe

SOUTHEAST
Ron Richardson
Haliwa-Saponi Indian Tribe

SOUTHERN PLAINS
Stephen Smith
Kiowa Tribe

SOUTHWEST
Manuel Heart
Ute Mountain Ute Tribe

WESTERN
Len George
Fallon Paiute Shoshone Tribe

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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, since time immemorial, the Bears Ears and surrounding land in Southeastern Utah have been a homeland and place of spiritual and cultural significance to tribal people. This living landscape continues to nurture, strengthen, and sustain tribal people, and tribal people remain dependent on these public lands to maintain our traditional livelihoods and cultural practices, such as hunting, gathering, and ceremonial uses.

WHEREAS, for the last century, tribal nations and tribal members have experienced removal from these ancestral homelands, and afterward, limited access to the land. Tribal nations and tribal members have also witnessed the looting of graves and sacred sites, and threats from more modern land uses such as off-road vehicle use and energy development.

WHEREAS, tribal leaders from Hopi, Navajo, Ute Mountain Ute, Zuni and Uintah & Ouray Ute formed the Bears Ears Inter-Tribal Coalition with the goal of protecting and preserving the homeland area of the Bears Ears region.

WHEREAS, the Bears Ears Inter-Tribal Coalition's chosen outcome is for President Obama to use his powers under the Antiquities Act to declare the Bears Ears National Monument, and secure permanent protection for these lands.

WHEREAS, the Bears Ears Inter-Tribal Coalition requests that President Obama proclaim the 1.9 million Bears Ears National Monument to honor the worldviews of our ancestors and Tribes today.

WHEREAS, the Bears Ears Inter-Tribal Coalition proposal asks that the new monument be managed under a path-breaking, comprehensive, and entirely workable regime of true Federal-Tribal Collaborative Management.

WHEREAS, the Bears Ears National Monument has every opportunity to serve as the shining example of the trust, the government-to-government relationship, and innovative, cutting-edge land management.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby urge President Obama to use his powers under the Antiquities Act to declare the Bears Ears National Monument and, by doing so, provide permanent protection for these lands.

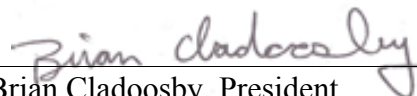
BE IT FURTHER RESOLVED, that NCAI does hereby support the Navajo, Hopi, Zuni, Uintah & Ouray Ute, and Ute Mountain Tribes that comprise the Bears Ears Inter-Tribal Coalition and their shared goal of permanently protecting the Bears Ears region.

BE IT FURTHER RESOLVED, that NCAI does hereby support the Bears Ears National Monument being meaningfully co-managed between the Bears Ears Inter-Tribal Coalition Tribes and federal management agencies for the purpose of honoring the trust relationship, protecting tribal sacred homelands, and preserving traditional and cultural ways of life.

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 Executive Committee of the National Congress of American Indians, held via a poll of Board Members, September 20, 2015 in Washington, D.C. with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary