



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #AK-21-027

EXECUTIVE COMMITTEE

PRESIDENT
Fawn R. Sharp
Quinault Indian Nation

1ST VICE PRESIDENT
Aaron Payment
Sault Ste. Marie Tribe of Chippewa Indians

RECORDING SECRETARY
Juana Majel-Dixon
Pauma Band of Luiseño Indians

TREASURER
Shannon Holsey
Stockbridge-Munsee Band of Mohican Indians

REGIONAL VICE PRESIDENTS

ALASKA
Rob Sanderson, Jr.
Tlingit & Haida Indian Tribes of Alaska

EASTERN OKLAHOMA
Norman Hildebrand
Wyandotte Nation

GREAT PLAINS
Larry Wright, Jr.
Ponca Tribe of Nebraska

MIDWEST
Rebecca Crooks-Stratton
Shakopee Mdewakanton Sioux Community

NORTHEAST
Tina Abrams
Seneca Nation of Indians

NORTHWEST
Leonard Forsman
Suquamish Tribe

PACIFIC
Erica Rae Macias
Cahuilla Band of Indians

ROCKY MOUNTAIN
Mark Pollock
Blackfeet Nation

SOUTHEAST
Nancy Carnley
Ma-Chis Lower Creek Indian Tribe of Alabama

SOUTHERN PLAINS
Robert Tippeconnie
Comanche Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh Pueblo

WESTERN
Amber Torres
Walker River Paiute Tribe

CHIEF EXECUTIVE OFFICER
Dante Desiderio
Sappony

NCAI HEADQUARTERS

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

TITLE: Supporting the Protection of Northern Paiute and Western Shoshone Ancestors and Cultural Lands at the Thacker Pass in Nevada and Protection of Eagles by Limiting Take Permits

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 NCAI thoroughly acknowledges the United States Federal Government has a fiduciary and trust relationship to and a government-to-government relationship with Tribal Nations; and

WHEREAS, a proposed open-pit lithium mine in Thacker Pass in northwestern Nevada, is located approximately 25 linear miles from the reservation of the Fort McDermitt Paiute and Shoshone Tribes; and

WHEREAS, Thacker Pass is traditionally called Peehee Mu'huh (Rotten Moon) by northern Paiute people and is a place of great significance to the Fort McDermitt Paiute Shoshone Tribe, whose oral tradition tells of a brutal massacre of ancestors there which need traditional and cultural protection from desecration; and

WHEREAS, Thacker Pass is administered by the U.S. Bureau of Land Management (BLM) and approved the Thacker Pass lithium mine at Peehee Mu'Huh on January 15, 2021, less than 365 days after starting scoping for the Thacker Pass lithium mine's Environment Impact Statement (EIS) and only five days before the end of an Administration; and

WHEREAS, public meetings, including 45-day public comment period, for the Thacker Pass lithium mine's Draft Environmental Impact Statement (DEIS) were held in Summer 2020 during the height of COVID-19 pandemic, tribal lockdowns, and high virus infection rates, which resulted in many tribal communities being removed from the process of the proposed project; and

WHEREAS, NCAI consistently calls for tribal consultation that conforms with the U.N. Declaration on the Rights of Indigenous Peoples' Free, Prior, and Informed Consent policy; and

WHEREAS, the BLM approved the Thacker Pass lithium mine without completing government-to-government consultation with all of the tribes that have ties to Thacker Pass, and did not consult with some of the impacted Tribal Nations at all; and

WHEREAS, the golden eagle take permit for the Thacker Pass lithium mine has not been issued by the U.S. Fish and Wildlife Service (FWS) and government-to-government tribal consultation has not concluded; and

WHEREAS, the federal government's invitation of tribes to government-to-government consultation related to FWS golden eagle take permits is based on a 109-mile radius distance, which can exclude tribes for whom golden eagles are spiritually or culturally significant; and

WHEREAS, NCAI has long called for the protection of golden and bald eagles as which are spiritually or culturally significant to many Tribal Nations, and has raised concerns regarding the issuance of take permits over the objections of Tribal Nations; and

WHEREAS, Tribal Nations continue to send requests for government-to-government tribal consultation on the Thacker Pass lithium mine and eagle take permit to the BLM and FWS, respectfully, including at least one Tribal Nation located outside the 109-mile radius; and

WHEREAS, the Thacker Pass mine is one of the first mining-related eagle take permits that is issued by the new Administration and could set precedent for mining-related eagle take permits that affect Tribal Nations across the United States.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls on the U.S. to uphold its trust and treaty obligations to Tribal Nations by engaging in robust and adequate tribal consultation on the Thacker Pass mine and another other proposed lithium mine to allow all Tribal Nations to participate consistent with the U.N. Declaration on the Rights of Indigenous Peoples' Free, Prior, and Informed Consent policy; and

NOW THEREFORE BE IT RESOLVED, that NCAI opposes the Thacker Pass lithium mine and calls on the Department of Interior (DOI) Bureau of Land Management (BLM) to rescind the approval of the mine's Plans of Operation; and

BE IT FURTHER RESOLVED, that NCAI calls on the administration and DOI U.S. Fish and Wildlife Service to deny the eagle take permit of this mine and to be considered in any other existing and future mining projects; 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 2021 Mid Year Conference of the National Congress of American Indians, held June 20, 2021 - June 24, 2021, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary