



UNITED SOUTH AND EASTERN TRIBES, INC.

RESOLUTION NO. USET 2000:35

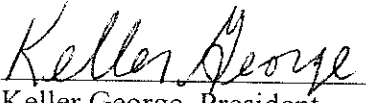
RESOLUTION TO OPPOSE DELEGATION OF THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) AUTHORITY ON TRIBAL WATERS TO ANY STATE

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising twenty-three (23) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** a unique Trust Relationship exists between the United States Government and the federally recognized Tribes; and it is exercised through the U. S. Constitution, Treaties, Presidential Directives, and Congressional declarations; and
- WHEREAS,** all Federal agencies, by virtue of being agents of the U.S. Government, have a duty and obligation to carry out the U.S. Government's Trust responsibilities;
- WHEREAS,** the U.S. Government cannot delegate, transfer, assume or otherwise discharge its Trust Responsibilities regarding Tribal water issues such as, the National Pollution Discharge Elimination System (NPDES) in Indian waters to any entity or state without the authorization of the federally recognized tribe; and
- WHEREAS,** the U.S. Environmental Protection Agency is considering an application from the State of Maine to assume full authority NPDES that includes Tribal waters; and
- WHEREAS,** all Federally recognized Tribes have the right to exercise its own National Pollution Discharge Elimination System on water bodies within Tribal lands; and
- WHEREAS,** the Maine Tribes (the Passamaquoddy Tribe at Pleasant Point, Passamaquoddy Tribe at Indian Township, Penobscot nation, Houlton Band of Maliseet Indians, and the Aroostook Band of Mic Macs) are all Federally Recognized Sovereign Governments; and
- WHEREAS,** the Maine tribes are members, in good standing, of the United South and Eastern Tribes, Inc. (USET); therefore be it
- RESOLVED** by the USET Board of Directors that USET fully and actively supports the Maine Tribes opposition to the application of the State of Maine to the Environmental Protection Agency (EPA), and any other federally recognized tribe that would like to assume all authority and jurisdiction of their National Pollution Discharge and Elimination System (NPDES) within the borders of their Tribal land, specifically where such delegation effects and impacts lands, water bodies, and other natural resources belonging to their respective Tribes; be it further
- RESOLVED** the USET Board of Directors requests and strongly encourages the EPA to recognize its Trust Responsibilities to the Maine Tribes and any other federally recognized tribe, and does not delegate NPDES authority to the State of Maine or any other State in any manner that includes lands, waters and other Natural Resources belonging to the Tribes.

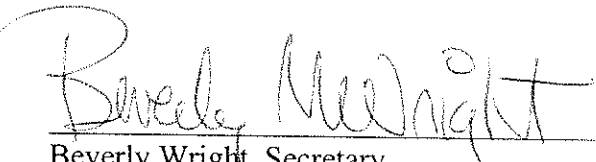
“Because there is strength in Unity”

CERTIFICATION

This Resolution was duly passed at the USET Impact Week Meeting at which a quorum was present in Washington, DC, Thursday, February 3, 2000.



Keller George, President
United South and Eastern Tribes, Inc.



Beverly Wright, Secretary
United South and Eastern Tribes, Inc.