



# USET

SOVEREIGNTY PROTECTION FUND

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## USET SPF Resolution No. 2025 SPF:005

### **SUPPORT OF THE CAYUGA NATION IN ASSERTING ITS SOVEREIGN RIGHTS OVER HIGHWAYS TRAVERSING ITS TERRITORIAL JURISDICTION**

**WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty-three (33) federally recognized Tribal Nations; and

**WHEREAS,** the actions taken by the USET SPF Board of Directors officially represents the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from each member's Tribal Nation leadership; and

**WHEREAS,** the Cayuga Nation is a participating member of USET SPF, and is governed by the federally recognized Cayuga Nation Council and the Nation's Federally Recognized Representative, Clint Halftown; and

**WHEREAS,** the Cayuga Nation reports that, on December 11, 2023, it commenced litigation in the United States District Court for the Western District of New York, captioned Cayuga Nation v. Kathleen C. Hochul, et al., Case No. 1:23-cv-01283, seeking declaratory and injunctive relief that certain New York State Defendants obtain a valid right-of-way for any portion of the Cayuga Nation's territorial jurisdiction on which the New York State Thruway is situated, and that the New York State Comptroller hold in escrow any future toll monies collected on the Thruway that are fairly attributable to the portion operated through the Cayuga Nation's territorial jurisdiction; and

**WHEREAS,** the Cayuga Nation asserts that a portion of the New York State Thruway—a mainline toll road that runs from the New York City line at Yonkers, in Westchester County, New York, to the Pennsylvania state line at Ripley in Chautauqua County, New York by way of Interstate 90 (I-90) and Interstate 87 (I-87) through the Albany, Syracuse, Rochester, and Buffalo areas—passes over and across the Cayuga Nation's territorial jurisdiction without a valid right-of-way approved by the appropriate federal officials, and in violation of United States federal law (the Indian Right-of-Way Act of 1948, 25 U.S.C. §§ 323-328, and the Act of Mar. 3, 1901 25 U.S.C. § 311), and the 1794 Treaty of Canandaigua; and

**WHEREAS,** USET SPF supports the Cayuga Nation's right to litigate to vindicate any rights under the Treaty of Canandaigua and United States federal law and protect its territorial jurisdiction from intrusion and against alienation; so, therefore, be it

**RESOLVED** USET SPF strongly supports the Cayuga Nation in its efforts to assert its sovereign rights and litigate future remuneration for any rights associated with portions of the Thruway that traverse the Cayuga Nation's territorial jurisdiction; and be it further

**RESOLVED** USET SPF calls upon the State of New York and its officials to acknowledge the sovereign authority of the Cayuga Nation over its territorial jurisdiction, as well as the applicable federal law relating to rights-of-way, and objects to any unlawful refusal by the State of New York to pay future toll monies to the Cayuga Nation for the vehicles that traverse over the Cayuga Nation’s territorial jurisdiction by way of the Thruway; and be it further

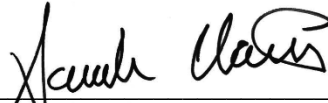
**RESOLVED** USET SPF calls upon the U.S. Department of the Interior to assist in the resolution of this conflict between the Nation and the State of New York, in accordance with the 1794 Treaty of Canandaigua and federal law.

**CERTIFICATION**

This resolution was duly passed at the remote USET SPF Annual Meeting at which a quorum was present on October 8, 2024.



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Chief Kirk E. Francis, Sr., President  
United South and Eastern Tribes  
Sovereignty Protection Fund



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Vice Chairwoman Sarah Harris, Secretary  
United South and Eastern Tribes  
Sovereignty Protection Fund