

**The INTER-TRIBAL COUNCIL
of the FIVE CIVILIZED TRIBES**

NUMBER 97-09

Title

WHEREAS,

the Inter-Tribal Council of the Five Civilized Tribes is an organization which unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing over 300,000 Indian people throughout the United States, and

WHEREAS,

The health and natural resources of the Indian Tribes cannot be protected or insured by inconsistent treatment under the federal environmental legislative acts,

WHEREAS,

Under the Resource Conservation Recovery Act (RCRA), Indian Tribes are recognized only as municipalities and are not afforded the same flexibility as states to implement and enforce the statutes and provision of the Act, and

WHEREAS,

As a municipality, Tribes are bound by the individual States' environmental statutes, regulations and policies, and

WHEREAS,

This adherence is in direct violation of tribal primacy under federal law and transgresses the federal trust responsibility that is unique to Indian Tribes, and

WHEREAS,

The United States Congress, through the Clean Air Act, Safe Drinking Water Act, Superfund (CERCLA) Act and Clean Water Act, has affirmed the regulatory authority of Indian Tribes through designation as Sates or tribal authority,

NOW, THEREFORE, BE IT RESOLVED,

That the Inter-Tribal Council of the Five Civilized Tribes call upon the United States Congress to amend the Resource Conservation Recovery Act and to afford Indian Tribes substantially the same treatment as states with respect to all provisions of said Act, and

BE IT FURTHER RESOLVED,

That specific provisions include, but not be limited to guaranteeing the Indian Tribes the ability to establish environmental regulations, standards, enforcement capabilities and permitting authority; and also receive technical assistance grants, program grants, notification of releases, and notification of permitting.

Adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting at **Arrowhead Lodge** in Canadian, Oklahoma, on April 11, 1997, by a vote of 25 for, 0 against and 0 abstention.

J. Garland Eagle Signed for
Joe Byrd, Principal Chief
Cherokee Nation

Greg E. Pyle Signed for
Hollis Roberts, Chief
Choctaw Nation

Perry Beaver Signed
Perry Beaver, Principal Chief
Muscogee (Creek) Nation

Jerry Haney Signed
Jerry Haney, Principal Chief
Seminole Nation

Bill Anoatubby Signed
Bill Anoatubby, Governor
Chickasaw Nation