

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

NUMBER 97-21
CERCLA (SUPERFUND) REAUTHORIZATION

We, the members of the Inter-Tribal Council of the Five Civilized Tribes, invoking the divine blessing of the Creator upon our efforts and purposes, I order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

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, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals of the Inter-Tribal Council of the Five Civilized Tribes, and

WHEREAS,

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also know as the Superfund law) currently provides for the clean-up of contaminated sites which pose a hazard to the Indian people of the Five Civilized Tribes; and

WHEREAS,

A clean environment is necessary to provide for healthy and abundant resources reserved to the tribes by federal law and which are the basis of tribal culture and existence, and

WHEREAS,

Changes to CERCLA which may be enacted by the United States Congress need to assure the continued use of vital tools needed to affirmatively clean up the environment, provide for the restoration of tribal resources during and after remediation, and

WHEREAS,

Delegation to states of authorities with respect to NPL sites without recognition of inherent tribal authority and jurisdiction to manage their resources, both on and

off Indian reservations and other tribal lands, would be in derogation of rights of tribes and of federal law, and

WHEREAS,

Proposed changes to the natural resource damage assessment process need to provide the entire range of tools presently available, including use of non-use and lost-use values, inclusion and ability to sue for pre – 1980 natural resource losses, and

WHEREAS,

Limitations on funds for the evaluation and clean-up of NPL sites should not be adopted unilaterally bur rather should be based upon funds needed to provide for a clean environment and protection of human health. So

THEREFORE, BE IT RESOLVED,

That the Inter-Tribal Council of the Five Civilized Tribes call upon the United States Congress to meet in a bi-partisan manner with all involved parties and federal agencies, including the Untied States Environmental Protection Agency and Indian Tribes, in considering changes to CERCLA, and

BE IT FURTHER RESOLVED,

That any changes to CERCLA enacted by the United States Congress should not infringe upon the rights of tribes nor upon the trust responsibilities of the federal government to the tribes.

CERTIFICATION

Adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting held at Chickasaw Motor Inn in Sulphur, Oklahoma on October 10, 1997, by a vote of 25 for, 0 against, and 0 abstentions.

Mary Flute Cooksey Signed for
Joe Byrd, Principal Chief
Cherokee Nation

Greg E. Pyle Signed
Gregory E. Pyle, 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