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The National Congress of American Indians Resolution SEA-25-031

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Title: In Support of the Rights of Tribal People, Protecting Ancestral Lands, and Requiring Meaningful Tribal Consultation and Public Participation in Mine Permitting

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, NCAI thoroughly acknowledges that Tribal Nations have a fiduciary and a trust relationship with the United States federal government and for this purpose; acknowledges that Tribes have a government-to-government relationship with the United States Federal Government, and

WHEREAS, NCAI recognizes there are social, economic and environmental impacts on Tribal Nations from the decisions made by the federal government, and

WHEREAS, Mineral extraction on or near Tribal lands has resulted in widespread and lasting pollution of the air, land and water, loss and damage of sacred and cultural sites, degradation and loss of wildlife, wildlife habitat and other subsistence resources, public health risks and harm to tribal ways of life, and



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WHEREAS, Tribal Peoples continue to practice speaking their own languages and dialects, and therefore it is their right to self-determination to require full translation of mine permitting documents essential for informed participation in the mine permitting process, and

WHEREAS, the 1872 Mining Law (30 U.S.C. 22 et seq.) fails to require the payment of royalties for the valuable minerals extracted, nor ensure economic benefits to Indigenous Peoples affected by mineral extraction, and

WHEREAS, the United States Federal Government continues to debate legislation such as the Mining Regulatory Clarity Act that further weakens the 1872 Mining Law by eroding input and consent from Indigenous Peoples in the mine permitting process, and

WHEREAS, Tribal Peoples have been caretakers of their ancestral lands and waters since time immemorial, and are committed to protecting these lands for the next seven generations, therefore; our unique and deep relationship with the lands and intuitive understanding of the ecological connections provides a vital assessment of how a mining project will affect Indigenous lands, and

WHEREAS, without meaningful consultation and valuation of Indigenous perspectives on mining projects, Tribal Peoples will continue to see pollution to the land, water and air, the loss of biodiversity and cultural landscapes, and

WHEREAS, Meaningful consultation requires that agencies engage in actions that are in-Person, interactive, pre-decisional, informational and transparent consultation when planning actions on hardrock mining with tribal implications and in line with Free, Prior and Informed Consent; and

WHEREAS, Tribal Peoples have Traditional Knowledge (TK) developed from a body of observations, oral and written knowledge, innovations, practices, and beliefs from interactions and experiences with the environment. TK must be understood, considered, and incorporated into federal research, policies, management, and decision making; and

WHEREAS, Article 32(1). of the United Nations Declaration Rights of Indigenous Peoples pr provides that governments “shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other resources.”



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NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians hereby urges the Federal Government to ensure that meaningful consultation with Tribal Nations occurs before mine exploration; and

BE IT FURTHER RESOLVED, that NCAI supports requiring mining companies to obtain the free, prior, and informed consent (FPIC) from Tribal Nations when considering any project affecting their traditional lands or territories and other resources; and

BE IT FURTHER RESOLVED, NCAI opposes any Federal Government efforts to weaken tribal consultation or public participation requirements in the mine permitting process, or any such effort that negates the rights of Tribal Peoples over mining decisions; and

BE IT FURTHER RESOLVED, NCAI supports the requirement that full translation of mine permitting documents occur to ensure informed participation in the mine permitting process by Tribal Peoples, 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 2025 Annual Convention of the National Congress of American Indians, held November 16 to 21, 2025 at the Seattle Convention Center in Seattle, Washington.

Mark Macarro, President

ATTEST:

Christie Modlin, Recording Secretary