

Resolution for the Winnemem Wintu BaLas Chonas Winyupnas and Recognition of Winnemem Women's Rights

WHEREAS, the Winnemem Wintu Tribe has celebrated BaLas Chonas Winyupnas on the McCloud River since time immemorial, and,

WHEREAS, ceremonies are core to the values and practice of the Winnemem culture and lifeway and are vital to the sustenance of the Tribe, and,

WHEREAS, the rites of passage of the next spiritual leader of the Tribe has been delayed for two years and she must celebrate her Coming of Age before August, 2012, when she turns 17 years old, and,

WHEREAS, it is the unalienable human right of young tribal women to access all that has been availed to the generations of women who went before her, and

WHEREAS, the Winnemem Wintu deserve to conduct the ceremony in peace and dignity befitting a ceremony of this nature without interference, and,

WHEREAS, the 2008 Farm Bill, section 8104, affords tribes the right to close public lands for ceremony, and,

WHEREAS, the Winnemem Wintu Tribe was entitled to have been included in the 1979 acknowledgement process that created a list of federally recognized California tribes, and,

WHEREAS, in addition to its continuous historic relationship with the Federal Government, the trust status of the Tribe was reaffirmed by the provisions of the Act of July 30, 1941 (55 Stat. 612, chapter 334), which granted to the United States all tribal and allotted Indian land within the area embraced by the Central Valley Project, and,

WHEREAS, under that Act, the Secretary, acting through the Commissioner of Reclamation, on January 5, 1942, created the Shasta Reservoir Indian Cemetery, which contains Winnemem Wintu remains, markers, and other appurtenances held in trust by the United States, and,

WHEREAS, Winnemem Wintu remains were removed to that cemetery from the traditional cemetery of the Tribe in the McCloud River Valley that was flooded by the Shasta Reservoir, and,

WHEREAS, the Bureau of Reclamation informed the Area Directory of the Indian Service in writing on December 22, 1942, of the new cemetery and its status as Federal trust land

WHEREAS, the Secretary, through an administrative oversight or inaction of the Indian Service, overlooked the trust status of the Tribe, which was reaffirmed by the making of partial restitution by the Secretary for taking tribal land and the 1941 relocation of remains of tribal members, which remain interred in the Shasta Reservoir Indian Cemetery, and,

WHEREAS, the Legislature of the State of California passed AJR 39 recognizing that the Winnemem are a historical tribe of California, and urges reinstatement of federal recognition, and,

WHEREAS, in 2011, President Obama signed the United Nations Declaration on the Rights of Indigenous People, a document which clearly supports the freedom of religion and culture and the special relationship with the land of all indigenous people regardless of governmental “recognition” status, and,

WHEREAS, the location of the ceremony is within the U.S. Department of Agriculture, Shasta-Trinity National Forest jurisdiction and in the McCloud River watershed, on Winnemem traditional lands that have never been adjudicated by law, but now is jointly controlled by the U.S. Forest Service and Shasta County, and,

WHEREAS, the responsible government agencies have failed to provide the necessary privacy and protections to allow the Tribe to hold their ceremony in peace and dignity,

NOW, THEREFORE, BE IT RESOLVED that the _____(Name of Tribe or organization) calls upon the relevant state and federal agencies to do everything within their stated and discretionary authority to close the section of the McCloud River between the McCloud Bridge and McCloud Point, a distance of approximately 350 yards, for the duration of 4 days of the ceremony, and

BE IT FURTHER RESOLVED that the _____(title of official) call upon the US Bureau of Indian Affairs to provide technical correction recognition for all tribal members previously certified on the California Claims Judgment Rolls and beneficiaries of the 1941 Indian Land Acquisition Act as federally recognized Winnemem Wintu tribal members for all services and benefits as fair and just relief affording rights for closing the river to the recreational activities and boats for all future puberty rites ceremonies to take place without restrictions or

discrimination, and

BE IT FURTHER RESOLVED that the _____ (title of official) send a copy of this resolution to the Winnemem Wintu Tribe, USDA Forest Service and Bureau of Indian Affairs, and other relevant State and Federal agencies urging the temporary closure of the McCloud River.

The foregoing resolution was passed by the _____ (Title of the Tribe's Governing Body or Organization's Board) this _____ day of _____, 2012.

ATTEST:

Signed _____ Date _____

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Larry Echohawk, Assistant Secretary of the Interior

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