

General Convention of The Episcopal Church 2024 Archives' Research Report

Resolution No.: 2024-A167
Title: Water Rights for Indigenous Communities and Lands
Proposer: 07 - Social Justice & United States Policy
Topic: Environment, Racism

Directly Related: (Attached)

2018-B025 Recognize Clean Water as a Human Right and Public Trust
2009-A156 On the Topic of the Place of Water in a Theology of Creation (Rejected)
2003-D046 Urge Stewardship of Water Resources
2003-D070 Work for a Clean Water Policy
1985-B007 Request Church-wide Advocacy of Indian Rights

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

None

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2022, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#).

A167 - Water Rights for Indigenous Communities and Lands

Final Status: Not Yet Finalized

Proposed by: 07 - Social Justice & United States Policy

Has Budget Implications: No

Cost:

Amends C&C or Rules of Order: No

Requests New Interim Body: No

Directs an Interim Body: No

Directs Dfms Staff: Yes

Directs Dioceses: No

Directs Executive Council: No

HiA: No House Assigned

Legislative Committee Currently Assigned: No Committee Assigned

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents:

Resolution Text

Resolved, the House of _____ concurring,

That the 81st General Convention reaffirm the work of previous General Convention regarding the protection of water in 2018-B025 that urges the Church to learn about the watersheds and aquifers in the regions in which our faith communities and institutions are located and to recognize the public trust that protects the waters and community uses in the watersheds and aquifers of the communities and regions that make up the Church; and be it further

Resolved, That The Episcopal Church recognizes the 1868 treaty between the Federal Government and the Navajo nation; the Winters Doctrine established in 1908 that ruled that tribes were entitled to water to create permanent homeland on their reservations from the date they were established; and be it further

Resolved, That The Episcopal Church recognize the injustice to Tribal groups of the Natives and Indigenous People's lands with regard to their need for clean potable water; and be further

Resolved, That the 81st General Convention directs the Office of Government Relationships to advocate for indigenous and native people's rights involving just use and protection of water resources.

Explanation

Federal Indian water rights are defined and governed by a body of federal law that recognizes that Indian tribes have unique property and sovereignty rights in the water on their reservations. Because Native Americans have occupied the land since time immemorial, Tribes often hold the highest priority water rights. Tribal water rights, although created and vested as of the date of the reservation, are not determined unless litigation or congressional action has quantified the amount of the right.[1] [1] Williams, Susan (1997). Volume 107, Issue 1 (1997) Native Indian Water Rights: Overview of Indian Water Rights.

In practice, Native Water rights are regularly abrogated by both Federal and State agencies. For instance, in 2016 the State of North Dakota and several Federal agencies made the decision to route an oil pipeline across portions of the land of the Standing Rock Sioux Tribe, crossing the water reservoir that serves as the source of potable water to that tribe, over the protests of the tribe.

In the past, mineral extraction operations for uranium, other metals and oil have contaminated water sources for the Navajo Nation. One such well, which served St. John the Baptizer Episcopal Church in Montezuma Creek, UT was contaminated by oil fracking operations near the aquifer from which the well drew its water. St. Christopher's Episcopal Mission in Bluff, UT, draws water from an artesian well, and over the past several years there have been several attempts to license oil fracking wells that would penetrate the aquifer, despite the fact that the well serves as water source for many people from nearby communities on the Navajo Nation.

One egregious example of injustice to Indigenous people is in the composition of the Upper Colorado River Commission. The states of Wyoming, Colorado, Utah, New Mexico and Arizona are all represented on this commission whose purpose is to decide how water from the Colorado River watershed be apportioned. However, even though 9 tribes reside within the boundaries of the Upper Colorado watershed, none of those tribes have voting rights on the Commission.

Online Links:

The Supreme Court and Tribal Water Rights (americanbar.org)
https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/native-american-issues/supreme-court-and-tribal-water-rights/#:~:text=Navajo%20Nation%2C%20a%20case%20that,secure%20much%2Dneeded%20water%20resources

The Navajo Nation's water rights are at the center of a Supreme Court case : NPR
<https://www.npr.org/2023/03/20/1164852475/supreme-court-navajo-nation-water-rights>

Indian Water Rights Settlements | Indian Affairs: <https://www.bia.gov/service/indian-water-rights-settlements>

Drops of Hope Along the Colorado River: <https://www.sierraclub.org/sierra/2-summer/feature/drops-hope-colorado-river-navajo-nation>

St. Christopher's Mission, Bluff, Utah Aquifer Battle: <https://www.sltrib.com/news/environment/2024/01/02/with-clean-water-southern-utah/>

Note: this resolution and/or its explanation contains external references, such as URLs of websites, that may not be in the required languages of General Convention. Because of copyright restrictions, the General Convention cannot provide translations. However, your web browser may be able to provide a machine translation into another language. If you need assistance with this, please contact gc.support@episcopalchurch.org.



Resolution Number: 2018-B025
Title: Recognize Clean Water as a Human Right and Public Trust
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 79th General Convention of the Episcopal Church urges the Church to learn about the watersheds and aquifers in the regions in which our faith communities and institutions are located; and be it further

Resolved, That The Episcopal Church recognize the public trust that protects the waters and community uses in the watersheds and aquifers of the communities and regions that make up the Church; and be it further

Resolved, That The Episcopal Church recognize water and sanitation as human rights and water as a commons (a publicly held natural system); and be it further

Resolved, That The Episcopal Church urge the phase out and eventual ban, by 2021 the sale or distribution of bottled water in Church-related facilities and at Church events except when local water supplies are deemed unsafe; and be it further

Resolved, That The Episcopal Church promotes and advocate for publicly financed, owned, and operated safe water and wastewater infrastructure and services.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), p. 688.



Resolution Number: 2009-A156
Title: On the Topic of the Place of Water in a Theology of Creation
Legislative Action Taken: Rejected
Text of Resolution:

Resolved, the House of Deputies concurring, That the 76th General Convention of The Episcopal Church reaffirms Resolutions 1979-D029 (Give Priority to Educating Congregations on Energy and the Environment), 1988-D126 (Request a Statement of Policy and a Plan for Environmental Stewardship), 1991-D041 (Implement 1988 Lambeth Resolution No. 40 on the Environment), 2003-D046 (Urge Stewardship of Water Resources) and 2003-D070 (Work for a Clean Water Policy); and be it further

Resolved, That the 76th General Convention encourages national Episcopal Church organizations, dioceses, congregations and individual Episcopalians to study the theology of Creation and the place of water in Creation, including the entire cycle of water sourcing, storage and transport, use and wastewater treatment and disposal and to study the ethical issues associated with individual, local, regional, national and international water-related decisions; and be it further

Resolved, That the 76th General Convention request designation and funding of a halftime position (\$60,000, including salary, benefits and modest travel) within the existing Episcopal Church Center's Advocacy Center, supported by the Executive Council Committee on Science, Technology and Faith, and by the Episcopal Ecological Network, to encourage the sharing of tools that dioceses, congregations and individual Episcopalians have already developed, and the development of new tools for use when making or helping make water-related decisions; and be it further

Resolved, That the General Convention request the Joint Standing Committee on Program, Budget and Finance to consider a budget allocation of \$60,000 for the implementation of this resolution.



Resolution Number: 2003-D046
Title: Urge Stewardship of Water Resources
Legislative Action Taken: Concurred
Final Text:

Resolved, That the 74th General Convention urge dioceses, congregations, and communicants to regard water resources as precious, and to recognize that the right use of water is an explicit means to show love for one's neighbor, since water connects people and all creatures throughout the global community; and be it further

Resolved, That the 74th General Convention encourage dioceses, congregations, and communicants to become active stewards of their water resources through conservation efforts including reduction of consumption; through examination of water discharge such that contaminated water does not improperly leave church grounds; and through the creation of environmental programs for stewardship of water and the whole of creation and for the education of congregants in regard to good and faithful stewardship of the earth's resources; and be it further

Resolved, That the General Convention encourage dioceses, congregations, and communicants to undertake one or more of the following four stewardship steps:

- **When and where possible, install water-saving devices, such as low-flow commodes and aspirators on sink faucets.**
- **Replant church grounds and home gardens with plants and trees that are drought-tolerant and have low needs for water, and that are native to the region and therefore able to survive local climatic conditions.**
- **Devise drainage systems that allow rainwater to flow from gutters and drain pipes to spread onto the lawn and landscaped areas of church grounds and home gardens, thereby reducing water lost to sewer systems.**
- **Pave new or repave existing parking lots with materials that are pervious, so that water penetrates into soil beneath parking areas, thereby reducing the flow of oil and other auto fluids into streams.**

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Minneapolis, 2003* (New York: General Convention, 2004), p. 314f.



Resolution Number: 2003-D070
Title: Work for a Clean Water Policy
Legislative Action Taken: Concurred
Final Text:

Resolved, That the 74th General Convention ask the Office of Government Relations to work on public policy to ensure that clean water is accessible and available to all; and be it further Resolved, That the Standing Commission on Anglican and International Peace with Justice Concerns be urged to make water a priority.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Minneapolis, 2003* (New York: General Convention, 2004), p. 331.



Resolution Number: 1988-B007
Title: Endorse Council Actions Prohibiting AIDS Discrimination
Legislative Action Taken: Concurred
Final Text:

Resolved, That this 69th General Convention endorse the Executive Council action of November 1987 prohibiting discrimination on the basis of AIDS, ARC or HIV infection; and encourage every diocese, congregation and church organization to adopt a similar policy; and urge the members of this church to advocate for such a policy on federal, state and local levels of government.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Detroit, 1988* (New York: General Convention, 1989), p. 189.