



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #DEN-18-016

### **TITLE: Supporting Federal Protections for Alaskan Subsistence Rights before the Supreme Court Hears *Sturgeon vs. Frost***

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**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**, the Katie John Subsistence Rule for subsistence fishing depends upon the federal government's ownership of an "interest" in navigable waters in Parks, Preserves, Forests, and other federal Conservation System Units that exist across rural Alaska; and

**WHEREAS**, oral argument for *Sturgeon v. Frost* (Sturgeon) is scheduled for November 5, 2018; and

**WHEREAS**, the plaintiffs in *Sturgeon* directly attack the basis for the Katie John Subsistence Rule by asserting that the federal government does not have any property interest in navigable waters in these Conservation System Units; and

**WHEREAS**, if the Supreme Court agrees, this could mean the elimination of all federally protected rural subsistence fishing rights in Alaska; and

**WHEREAS**, throughout the 1980's and 1990's the State of Alaska proved incapable of protecting rural Alaskan subsistence rights and failed multiple times to offer a constitutional amendment to voters that would permanently protect these rights under the State Law.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) opposes efforts to remove federal protections for subsistence fishing in rural Alaska. NCAI also urges the Department of Interior to continue to fight to protect all federal subsistence rights in Alaska; and

**BE IT FURTHER RESOLVED**, that NCAI urges the Department of Interior not to withdraw subsistence fishing protections in rural Alaska, regardless of the outcome in the Sturgeon case. But, in the event that the Supreme Court finds for the plaintiffs and eliminates the basis for federal subsistence fishing protections in rural Alaska, NCAI will urge Congress should act immediately restore those rights by appropriate legislation; 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 2018 Annual Session of the National Congress of American Indians, held at the Hyatt Regency in Denver, Colorado October 21-26, 2018, with a quorum present.

  
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Jefferson Keel, President

**ATTEST:**

  
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Juana Majel Dixon, Recording Secretary