



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #KAN-18-033

TITLE: Support of Alaska Native Tribes and Communities Request for Reconsideration Submitted to the Federal Subsistence Board

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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 traditional and customary harvest of Chinook salmon is essential to the physical, economic, cultural, and spiritual survival and wellbeing of Alaska Native tribes; and

WHEREAS, the Alaska Department of Fish and Game (ADFG) projects a “poor” run and harvest for Chinook salmon for 2018 and projects that subsistence opportunities for Chinook salmon will be “limited;” and

WHEREAS, the Alaska National Interest Lands Conservation Act (ANILCA) defines the term “subsistence uses” to mean “customary and traditional uses by rural Alaska residents” (§803) and requires that “non-wasteful subsistence uses of fish and wildlife...shall be the priority of consumptive uses...when it is necessary to restrict taking in order to assure the continued viability of fish and wildlife populations or the continuation of subsistence uses” (§802(2)); and

WHEREAS, the ADFG does not have authority to enforce the subsistence priority for rural Alaska residents, including Alaska Natives, in Federal waters in Alaska set forth in ANILCA following the Alaska Supreme Court’s ruling in *McDowell v. State*; and

WHEREAS, from May 25, 2018 to June 11, 2018, ADFG will allow for opportunities for incidental catch of Chinook salmon within the entire State of Alaska, including Federal waters, for *all* State residents; and

WHEREAS, for example, the Federal Subsistence Board's (Board) approval of Temporary Special Action Request FSA18-01 with modification does not close Federal public waters of the Kuskokwim River drainage to the harvest of Chinook salmon except by federally-qualified users *until* June 12, 2018; and

WHEREAS, for example, the Board's approval of FSA18-01 effectively delegates management authority of Kuskokwim River Chinook salmon to ADFG until June 12, 2018, thereby ignoring the Board's duties and responsibilities set forth in ANILCA; and

WHEREAS, for example, the Board's decision undermines the Kuskokwim River Inter-Tribal Fish Commission's and United States Fish and Wildlife Service's 2015 agreement to negotiate for the purpose of reaching consensus on Kuskokwim River fisheries issues, and when necessary, negotiating to reach a mutually-beneficial compromise.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) supports the Request for Reconsideration concerning all federal subsistence board's decisions against Alaska Native tribes and reinforce the sovereignty of, all federally recognized tribes in Alaska; and

BE IT FURTHER 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 Midyear Session of the National Congress of American Indians, held at the Marriott Kansas City Downtown, June 3-6, 2018, with a quorum present.



Jefferson Keel, President

ATTEST:



Juana Majel Dixon, Recording Secretary