The National Congress of American Indians
Resolution #ATL-14-008

TITLE: To Support the Swift Enactment of the Federal Subsistence Board
Proposed Amendments to Determine Rural Community Status under
Title VIII of the Alaska National Interest Lands Conservation Act

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, 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 continuation of the opportunity for subsistence uses by
Alaska Natives on the public lands is essential to the physical, economic, traditional,
and cultural existence of Native peoples; and

WHEREAS, the continuation of subsistence uses of resources on public and
other lands in Alaska is threatened by its increasing population, with resultant pressure
on subsistence resources, by sudden decline in the populations of some wildlife
species which are crucial subsistence resources, by increased accessibility of remote
areas containing subsistence resources, and by taking of fish and wildlife in a manner
inconsistent with recognized principles of fish and wildlife management; and

WHEREAS, the subsistence resources harvest priority guaranteed by the
Alaska National Interest Lands Conservation Act (ANILCA) only extends to
communities whose residents are deemed “rural” by Federal Subsistence Board
regulations published at 36 C.F.R. § 242.15; and

WHEREAS, the Federal Subsistence Board’s determination of which
communities are “rural” has proved problematic, time consuming, and has resulted in
wrongful, formulistic determinations ignoring key attributes of individual communities
in Alaska, which maintain customary and traditional harvests of subsistence resources; and
WHEREAS, on April 15, 2014, the Federal Subsistence Board acknowledged the deficiencies in the current rural determination process and voted unanimously to recommend to the Secretaries of Agriculture and Interior to implement an administrative rulemaking to amend 36 C.F.R. § 242.15 in a manner to reflect the realities of rural communities in Alaska; and

WHEREAS, the Federal Subsistence Board’s proposed amendments would restore Alaska Native communities to their rightful rural community status.

NOW THEREFORE BE IT RESOLVED, that NCAI urges the Secretary of the U.S. Department of Agriculture and the Secretary of the Department of the Interior to draft and publish, with all deliberate speed, the regulation recommended by the Federal Subsistence Board governing the processes by which Alaska communities classified as “rural” for purposes of ANILCA’s subsistence priority; 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 2014 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Atlanta, October 26-31, 2014 in Atlanta, Georgia, with a quorum present.

ATTEST:

President

Recording Secretary