



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PHX-16-049

### **TITLE: A Call for the National Oceanic and Atmospheric Administration to Actively Enforce Section 101(b) of the Marine Mammal Protection Act**

#### EXECUTIVE COMMITTEE

PRESIDENT  
**Brian Cladoosby**  
*Swinomish Tribe*

FIRST VICE-PRESIDENT  
**Fawn Sharp**  
*Quinault Indian Nation*

RECORDING SECRETARY  
**Aaron Payment**  
*Sault Ste. Marie Tribe of Chippewa  
Indians of Michigan*

TREASURER  
**W. Ron Allen**  
*Jamestown S'Klallam Tribe*

#### REGIONAL VICE- PRESIDENTS

ALASKA  
**Jerry Isaac**  
*Native Village of Tanacross*

EASTERN OKLAHOMA  
**Joe Byrd**  
*Cherokee Nation*

GREAT PLAINS  
**Leander McDonald**  
*Spirit Lake Nation*

MIDWEST  
**Roger Rader**  
*Pokagon Band of Potawatomi*

NORTHEAST  
**Lance Gumbs**  
*Shinnecock Indian Nation*

NORTHWEST  
**Mel Sheldon, Jr.**  
*Tulalip Tribes*

PACIFIC  
**Jack Potter, Jr.**  
*Redding Rancheria*

ROCKY MOUNTAIN  
**Darrin Old Coyote**  
*Crow Nation*

SOUTHEAST  
**Larry Townsend**  
*Lumbee Tribe*

SOUTHERN PLAINS  
**Liana Onnen**  
*Prairie Band of Potawatomi Nation*

SOUTHWEST  
**Joe Garcia**  
*Ohkay Owingeh Pueblo*

WESTERN  
**Bruce Ignacio**  
*Ute Indian Tribe*

EXECUTIVE DIRECTOR  
**Jacqueline Pata**  
*Tlingit*

**NCAI HEADQUARTERS**  
1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
www.ncai.org

**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**, Indigenous peoples' have harvested marine mammals for time immemorial for both nutritional and utilitarian needs; and

**WHEREAS**, Alaska Native peoples have developed rich cultures and practices around marine mammals and these practices continue today; and

**WHEREAS**, many Rural Alaska Native communities are subsistence based and substantially depend upon marine mammals for economic purposes and nourishment; and

**WHEREAS**, Alaska Native peoples have always utilized ivory from marine mammals and ivory is now an economic driving force for many native households; and

**WHEREAS**, this dependent relationship between Indigenous peoples and marine mammals is protected by the Marine Mammal Protection Act; and

**WHEREAS**, the Marine Mammal Protection Act was enacted in 1972 prohibiting the take, import, and export of marine mammals by United States citizens; and

**WHEREAS**, Section 101(b) of the Marine Mammal Protection Act exempts coastal Indians, Aleuts, and Eskimos from the provisions for the purpose of traditional, non-wasteful practices which includes harvesting marine mammals; and

**WHEREAS**, Section 101(b) recognizes the importance of harvesting marine mammals by the exemption of Alaska Natives for the purposes of creating or selling “authentic native artifacts of arts, crafts, and clothing;” and

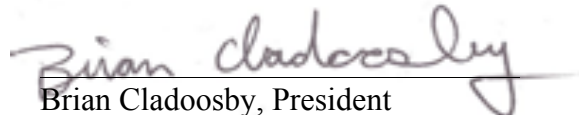
**WHEREAS**, State governments such as, California, Hawaii, Massachusetts, New Jersey, New York and possible others have adopted state laws that are inconsistent with the Marine Mammal Protection Act and prohibit the sale of “authentic native artifacts of arts, crafts, and clothing.”

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians calls upon the National Oceanic and Atmospheric Administration to actively enforce the Alaska Native exemption in Section 101(b) of the Marine Mammal Protection Act so they can continue to practice traditional and customary lifeways and economies utilizing the ivory from marine mammals; 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 2016 Annual Session of the National Congress of American Indians, held at the Phoenix Convention Center, October 9<sup>th</sup>- 14<sup>th</sup> 2016, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary