The National Congress of American Indians
Resolution #SD-15-014

TITLE: Requesting Additional Changes to the Magnuson Stevens 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 Magnuson-Stevens Fishery Conservation and Management Act (MSA) governs management of fisheries within the United States ‘Exclusive Economic Zone’ from three to two hundred nautical miles offshore; and

WHEREAS, fisheries and marine resources and habitat are important sources of nutrition and an essential part of the culture, diet, and economy for Alaska’s federally recognized tribes. Marine fish, shellfish and plants are critical resources for subsistence harvests, and marine habitats support a broad variety of species which are essential to subsistence; and

WHEREAS, the fisheries of the United States are also important and contribute to the Nation’s economy by providing employment in industrial commercial, commercial, and sport fishing; and

WHEREAS, the MSA requires fishery catch limits be set based on science; and

WHEREAS, the MSA established a system of eight regional management Councils to make recommendation to the Secretary of Commerce regarding management of fisheries in federal waters offshore; and

WHEREAS, the North Pacific Fishery Management Council has management authority over fisheries off the coast of Alaska and consists of 11 members; and

WHEREAS, the North Pacific Fishery Management Council makes decisions which impact Alaska tribes and subsistence dramatically, yet Alaska’s tribes do not have secure representation on the Council; and
WHEREAS, the National Environmental Policy Act (NEPA) is currently applicable to all decisions made by the North Pacific Fishery Management Council and is critical to providing opportunities for tribal and public participation in the decision-making process; and

WHEREAS, the North Pacific Fishery Management Council manages salmon bycatch in the trawl fisheries in accordance with the MSA, and bycatch reduction is not strictly required in the current Act; and

WHEREAS, the current language of the MSA does not allow federal fishery disaster declarations for subsistence fisheries and tribes cannot request and receive disaster relief directly; and

WHEREAS, the regional fishery management councils are not required to conduct government-to-government consultations with tribes.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) requests the following changes to the MSA in addition to the changes requested in NCAI Resolution #TUL-13-023 - Magnuson-Stevens Fisheries Conservation Act Reauthorization:

1. Provide for tribal representation on the North Pacific Fishery Management Council (NPFMC) by:
   a. Add a voting member to the NPFMC under 16 USC § 1852 (b). This member will be nominated directly by Alaska’s tribes and appointed by the Secretary of Commerce.
   b. Include tribal subsistence in the list of user groups amongst whom the Secretary must maintain a balanced apportionment under 16 USC § 1852(b) (2) (B).
2. Maintain the status quo for application of NEPA to fisheries decision-making, under which fishery management Councils must fully comply with the requirements of NEPA.
3. Maintain the science-based catch limit requirements in the MSA.
4. Mandate reductions in bycatch by strengthening National Standard 9, which currently only requires by catch reduction “to the extent practicable.”
5. Amend disaster relief provisions to include subsistence fishery failures and allow Tribes to request and receive disaster relief directly (16 USC § 1861(a)).
6. Require regional fishery management councils to consult with tribal governments directly; 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 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.

ATTEST:

Brian Cladoosby, President

Aaron Payment, Recording Secretary