



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MSP-15-021

TITLE: Protection and Maximization of Hatchery Production to Provide for the Treaty Reserved Right to Harvest Fish

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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, 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, salmon are important culturally, economically, and spiritually to all Tribes, and the Puget Sound Treaty Tribes have reserved their rights of taking fish at all usual and accustomed grounds and stations, and the Treaties are the Supreme Law of the Land; and

WHEREAS, the United States Supreme Court and various other federal courts have interpreted Indian Treaties to reserve the right to take fish, and set criteria for conservation, fishery regulation and sharing; and

WHEREAS, the federal trustees and courts are obligated to uphold the Treaty Rights which requires there to be fish available to harvest, functioning habitat and clean water necessary to provide for the treaty right to fish, and that hatchery fish are part of the Treaty Right; and

WHEREAS, salmon populations have been decimated by degraded water quality and quantity, and lost and degraded habitat through non-tribal forest, agricultural, industrial and urban development in critical salmon habitat; and federal trustees have not met their responsibility in enforcing laws (Clean Water Act, Magnuson Stevens Act, Coastal Zone Management Act, etc.) to protect such habitat; and

WHEREAS, hatcheries were established to mitigate for the loss of salmon to Treaty Tribes due to non-tribal habitat degradation, and hatchery fish are recognized as a part of the Treaty Rights; and

WHEREAS, hatchery production since the 1990s has been and continues to be reduced, restricted, and threatened by 1) concerns for Endangered Species Act listed species, 2) lack of federal and state financial and political support for hatchery operations, 3) federal and state permitting agencies that continue to allow activities that limit or reduce the natural production of salmon, 4) a disproportionate burden of conservation placed on the tribal harvest and hatchery requirements over regulation of land use activities; and 5) lack of action by National Oceanic and Atmospheric Administration (NOAA) Fisheries to evaluate Hatchery Genetic Management Plans under limit 6 of the 4(d) rule and provide a take permit; and

WHEREAS, NOAA Fisheries suffers from a lack of funding and personnel to complete State and Tribal HGMPs and required regional environmental impact statements; and

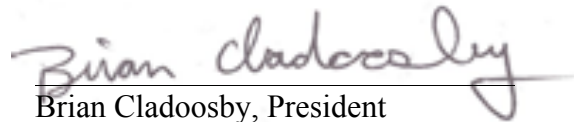
WHEREAS, the failure to sufficiently fund the hatchery regulatory and funding responsibility of NOAA Fisheries has a direct effect on the preservation of Indian treaty fishing rights.

NOW THEREFORE BE IT RESOLVED, that NCAI calls upon Congress to sufficiently fund NOAA Fisheries to ensure all of its statutory obligations to support federal, state, and tribal hatcheries that are an essential element in the preservation of Indian treaty fishing rights; 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 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary