



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #TUL-13-023

### TITLE: Magnuson-Stevens Fisheries Conservation Act Reauthorization

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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**WHEREAS**, the Magnuson-Stevens Fisheries Conservation Act (MSFCA) was originally enacted in 1976, and reauthorized in 1996 and 2006, and governs fisheries management in federal waters of the United States; and

**WHEREAS**, the statute authorizes the regional councils to manage fisheries resources which Tribal citizens and communities are hugely dependent; and

**WHEREAS**, the eight (8) regional councils manage a geographic region larger than the continental United States and are responsible for the health of a \$25 billion commercial fishing industry while at the same time entrusted with conservation of hundreds of species of marine fish; and

**WHEREAS**, a flawed single-species based management system which does not consider the food web dynamics, fishing gear impacts, and non-target species taken as bycatch has resulted in the overfishing of a third of the nation's fish stocks; and

**WHEREAS**, Alaska Native hunting and fishing practices are profoundly connected to long standing cultural and spiritual beliefs and rural economies and the use of single-species management has resulted in significant negative impacts to Alaska Natives; and

**WHEREAS**, the current management of the North Pacific Fishery Management Council fails to consider the needs of the Alaska Native people and the structure of the council prevents tribes from participating in decision making; and

**WHEREAS**, under the North Pacific Fishery Management Council the Pollock fishing industry continues to waste tens of thousands of Chinook salmon as bycatch annually; and

**WHEREAS**, Chinook salmon in western Alaska have experienced failures since the year 2000; and

**WHEREAS**, the fishing rights of the Pacific Northwest Indian nations and tribes are defined and protected by treaties and executive orders of the United States and which sustain a unique culture and economy that has suffered in recent years from depletion of traditional salmon fisheries; and

**WHEREAS**, the current management of the Pacific Fishery Management Council has responsibility for addressing the treaty- and executive order-protected fishing rights of the Pacific Northwest Indian nations and tribes and has failed to protect those interests; and

**WHEREAS**, Sockeye salmon in the Salish Sea and Spring Chinook in the Columbia River have experienced failures since at least 1999; and

**WHEREAS**, without appropriate reform of the Magnuson-Stevens Fisheries Conservation Act, natural fish populations and the Alaska Native inhabitants' well-being along with the treaty-protected rights of Pacific Northwest Indian nations and tribes will continue to be at risk.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI requests the following changes to the Magnuson-Stevens Fisheries Conservation Act:

1. Separate conservation and allocation decisions, leaving allocation decisions to the management councils, but giving responsibility of conservation decisions to a separate governmental entity subject to the standard rules of good governance and composed of an interagency scientific panel;
2. Utilize ecosystem based management rather than species specific management;
3. Tribes and/or subsistence users be represented on the North Pacific Fishery Management Council;
4. Amend the purpose of the act to include promotion of Alaska Native subsistence rights and tribal fisheries based on treaty rights, including a mandate to be responsive to the needs of federally recognized tribes;
5. Require that the national standards for fishery conservation and management take into account the importance of fishery resources of subsistence-based and tribal commercial fishing communities;
6. Provide that conservation and management measures shall require bycatch reduction under specific circumstances;
7. Require that the Secretary of Commerce shall consider experience in tribal subsistence harvests and tribal commercial fishing as qualification to serve on a management council;
8. Remove the limit of \$25,000 per year on bycatch fines in the North Pacific and direct funds to the Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative and the Yukon and Kuskokwim Inter-tribal Fish Commissions;
9. Include relief for subsistence tribal commercial fisheries disasters and allow tribes to request relief from the appropriate federal agency;
10. Require management councils to consult and consider input from tribal governments;
11. Require management council members to be subject to conflict of interests standards;

- 12. Require fishery management plans to include provisions necessary to implement tribal treaty rights;
- 13. Limit state authority to regulate and interfere with the exercise of tribal treaty fishing rights where regulated by tribal governments;
- 14. Provide resources for mitigation efforts when needed to protect tribal treaty rights including, increased hatchery production, habitat protection and restoration, development of alternative fisheries when primary fisheries have been reduced, and the development of value added programs to increase the value of treaty fisheries; and

**BE IT FURTHER RESOLVED**, that said delegates request that the appropriate consultation and hearings be held by the Congress to ensure that the perspectives of Alaska Natives and Indian nations and tribes of the Pacific Northwest are properly considered in the legislative process; and

**BE IT FINALLY 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 2013 Annual Session of the National Congress of American Indians, held at the Cox Business Center from October 13 - 18, 2013 in Tulsa, Oklahoma with a quorum present.

  
President

**ATTEST:**

  
Recording Secretary