

**ALASKA FEDERATION OF NATIVES**

**2009 CONVENTION**

**RESOLUTION 09-01**

**TITLE: THE PROTECTION OF ALASKA NATIVE SUBSISTENCE ACTIVITIES AND ACCESS TO, AND TAKINGS, OF CUSTOMARY AND TRADITIONAL AND CULTURAL SUBSISTENCE RESOURCES**

**WHEREAS:** Alaska Native peoples developed rich cultures and enduring societies around their spiritual relationship to the land and resources; and

**WHEREAS:** Our harvest and utilization of natural resources has been the basis of our sustainable economies through thousands of years; and

**WHEREAS:** Customary and traditional subsistence hunting and fishing is vital to the survival of Alaska Native cultures and our communities' economic well being; and

**WHEREAS:** The United Nations Declaration on the Rights of Indigenous Peoples supports Indigenous rights to use and manage resources necessary for our food security; and

**WHEREAS:** The Marine Mammal Protection Act provides for Alaska Native heritage rights for Marine Mammals; and

**WHEREAS:** Section 4(b) of the Alaska Native Claims Settlement Act of 1971 (ANCSA) extinguished aboriginal hunting and fishing rights; and

**WHEREAS:** Congress, through the Conference Report accompanying passage of ANCSA, declared its intent and expectation that the Secretary of the Interior and the State of Alaska should protect Alaska Native customary and traditional subsistence activities; and

**WHEREAS:** Congress enacted Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), which established a priority for rural resident subsistence users on federal lands and reserved navigable waters; and

**WHEREAS:** ANILCA authorizes the State of Alaska to regulate customary and traditional subsistence harvests on all lands and waters so long as such regulation is in compliance with the mandates outlined in Title VIII of ANILCA; and

**WHEREAS:** In 1990, the federal government was forced to assume management authority over customary and traditional subsistence activities on federal public lands and waters because the State of Alaska failed to adequately enact a subsistence priority for rural Alaskans; and

- WHEREAS:** The Federal Subsistence Management Program is a multi-agency effort to provide the opportunity for a subsistence way of life by rural Alaskans on federal public lands and waters while maintaining healthy populations of fish and wildlife; and
- WHEREAS:** The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board the authority to manage fish and wildlife for subsistence uses on federal public lands and waters in Alaska; and
- WHEREAS:** The Federal Subsistence Board is the decision-making body that oversees the Federal Subsistence Management Program, and is comprised of the regional directors of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, the U.S. Forest Service, and a chairman appointed by the Secretaries of the Interior and Agriculture; and
- WHEREAS:** The Federal Subsistence Board membership is now dominated by non-subsistence users and federal employees who lack an appreciation of the significance of traditional subsistence uses, and who have improperly sought to balance the needs of commercial, sport, pleasure and subsistence users, rather than trying to protect Alaska Native access to subsistence resources, as directed by their mandate under Title VIII of ANILCA; and
- WHEREAS:** The State of Alaska successfully promoted the adoption of a Memorandum of Understanding between the Federal Subsistence Board and the State of Alaska that has seriously undermined Title VIII of ANILCA; and
- WHEREAS:** The current federal subsistence management scheme has failed to protect traditional subsistence users, and Alaska Natives are finding themselves subject to state citations for traditional subsistence practices that should be protected under Title VIII of ANILCA; and
- WHEREAS:** Immediate administrative and legislative action is necessary to protect Native traditional subsistence rights and uses;

**NOW THEREFORE BE IT RESOLVED** by the delegates to the 2009 Annual Convention of the Alaska Federation of Natives that Alaska Federation of Natives shall pursue the following executive and legislative actions to:

1. Seek immediate Congressional oversight hearings in Alaska to be held before the U.S. Senate Committee on Indian Affairs and the House Committee on Natural Resources regarding, access to, and takings of, customary and traditional subsistence resources by Alaska Natives, Alaska Native Corporations, and the federally recognized tribes; and
2. Seek immediate consultation between Alaska Native corporations, federally recognized tribes in Alaska, and the Departments of the Interior, Agriculture and Commerce, to develop recommendations for a new subsistence management

scheme that will protect the traditional subsistence way of life of Alaska Natives and other rural residents, and that will ensure full participation of Alaska Natives in the management scheme; and

3. Seek to replace the Federal Subsistence Board with a federally-chartered or authorized entity whose membership will be comprised of subsistence users rather than federal employees; and
4. Encourage President Obama to issue an Executive Order that advises the Federal Subsistence Board and the Office of Subsistence Management that Title VIII is Indian Legislation enacted under the plenary authority of Congress over Indian Affairs, and that directs the Federal Subsistence Board and Office of Subsistence Management to implement a subsistence management scheme or program in accordance with the Executive Order; and
5. Revoke the 2008 Memorandum of Understanding between the Federal Subsistence Board and the State of Alaska, Department of Fish and Game, and to remove the State's non-voting seat from the Federal Subsistence Board; and
6. Direct the Secretary of the Interior to fully implement his trust responsibility to Alaska Natives, Alaska Native Corporations and the federally recognized tribes, and to direct the employees within the Department of the Interior to honor this relationship; and
7. Direct the Secretary of the Interior to interpret broadly the scope of federal jurisdiction over the management of subsistence resources on public lands and reserved waters, and to extend by regulation the subsistence priority to waters that run through and adjacent to Native allotments and to waters upstream and downstream from federally reserved waters; and
8. Rescind the Federal Subsistence Board's determination that the Organized Village of Saxman; and any other Alaska Native village similarly affected, is not a rural community; and
9. Amend ANILCA to provide for Alaska Native Peoples customary and traditional hunting, fishing and gathering rights Plus Rural subsistence priority;
10. Seek legislation that provides Alaska Native Corporations the authority to opt into a provision ensuring a federally protected customary and traditional hunting and fishing right on corporation lands and associated waters for Alaska Natives associated with the ANCSA corporations, and legislation that allows for the taking of moose and other subsistence resources necessary for the potlatch and other ceremonies; and
11. Advocate for a state and federal Subsistence Support Program in rural Alaska to help offset the drastically increased cost of transportation to harvest subsistence foods; and

12. Amend the Magnuson-Stevens Fishery Conservation and Management Act to include designated voting seats on the North Pacific Fisheries Management Council for federally tribes and/or Alaska Native organizations representing rural subsistence users;
13. Fully fund co-management initiatives and infrastructure to ensure Alaska Native participation in the subsistence management process, and
14. Call for federal resources to be made available for research, protection and enhancement of subsistence resources in Alaska, and;

BE IT FINALLY RESOLVED that the delegates of the Annual Convention of the Alaska Federation of Natives hereby directs the Alaska Federation of Natives that one of the top and ongoing priorities for Alaska Federation of Natives shall be to address this resolution regarding subsistence concerns of all Alaska Natives.

SUBMITTED BY: BOARD OF DIRECTORS OF THE ALASKA FEDERATION OF NATIVES

CONVENTION ACTION: AMENDED AND PASSED

