

## Norton Bay Watershed Council

P.O. Box 15332

Fritz Creek, AK 99603

Phone: (907)890 - 3737

leighmisst@gmail.com

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### RESOLUTION 23-02

**TITLE: A RESOLUTION IN SUPPORT OF ALASKA NATIVE HUNTING AND FISHING RIGHTS AND CONGRESSIONAL ACTION TO TAKE IMMEDIATE ACTION TO PERMANENTLY PROTECT THE RIGHT OF ALASKA NATIVE PEOPLE TO ENGAGE IN SUBSISTENCE FISHING IN ALASKA'S NAVIGABLE WATERS**

WHEREAS Norton Bay Watershed Council (NBWC) is a tribally owned and operated non-profit entity with a board of directors made up of representatives from the Native Villages of Elim, Golovin, White Mountain, St. Michael, Teller, Mary's Igloo, Shaktoolik and Brevig Mission; and

WHEREAS NBWC supports the health, safety, and well-being of tribal citizens and works to protect and preserve our traditional territories and cultural practices; and

WHEREAS Alaska Native people have occupied and stewarded our territories since time immemorial and our traditional ways of life are intimately bound to the land, waters, animals, and seasons of the natural world; and

WHEREAS Our hunting, fishing, and gathering practices—including the harvesting and sharing of fish, game, and other resources and the ceremonies which accompany these practices—are essential to the social, cultural, spiritual, and economic wellbeing and survival of Alaska Native people; and

WHEREAS Our people have relied on fishing to sustain our customary and traditional way of life for centuries, and fishing remains an essential subsistence practice to this day; and

WHEREAS The right to continue to harvest our traditional resources and live our traditional subsistence way of life was one of the commitments that Congress made to

Alaska Native people when it enacted Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980; and

WHEREAS In ANILCA, Congress declared that the continuation of the opportunity for subsistence uses on public lands is “essential to Native physical, economic, traditional, and cultural existence” and expressly provided a subsistence priority for rural Alaskans on most federal lands and waters in Alaska; and

WHEREAS In ANILCA, Congress recognized that subsistence activities are a matter of food security because “in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses”; and

WHEREAS Throughout the 1980s and early 1990s, the State of Alaska proved itself repeatedly incapable of and unwilling to protect subsistence fishing rights across rural Alaska; and

WHEREAS Katie John, a respected and cherished Ahtna Elder, was the lead plaintiff in a series of successful cases that protected federal subsistence fisheries pursuant to Title VIII of ANILCA; and

WHEREAS The *Katie John* litigation spanned nearly thirty years; it ended in 2014 and affirmed a rural priority for subsistence fishing; and

WHEREAS The State of Alaska has nonetheless chosen, for decades, to continue to attack the federal subsistence fisheries protections enshrined in Title VIII of ANILCA and the *Katie John* cases; and

WHEREAS The State of Alaska has escalated its attacks in recent years and has undertaken a series of new, aggressive litigation aimed at actively undermining Alaska Natives’ right to subsistence; and

WHEREAS In one of those cases, *United States v. Alaska*, the State of Alaska now attempts to rewrite longstanding law and erase the *Katie John* decisions; and

WHEREAS A decision from the United States Supreme Court could mean the elimination of all remaining federally-protected subsistence fishing rights for Alaska Native people; and

WHEREAS Subsistence fishing constitutes the majority of all subsistence foods taken by

Alaska Native people, but is less than one percent of all fish caught in Alaska;  
and

WHEREAS NBWC has a broad and deep interest in protecting the food security and  
Traditional Knowledge of our tribal citizens and their continued ability to  
practice traditional lifeways for current and future generations; and

WHEREAS The State of Alaska's refusal to protect and honor subsistence fishing practices  
has created extreme hardship for our tribal citizens and a need for congressional  
intervention to protect Alaska Native fishing rights.

NOW THEREFORE BE IT RESOLVED THAT NBWC will always defend the hunting and fishing  
rights of our people; and

BE IT FURTHER RESOLVED THAT NBWC calls upon Congress to take immediate action to  
revisit and strengthen Title VIII of ANILCA in order to permanently protect the  
right of Alaska Native people to engage in subsistence fishing in Alaska's  
navigable waters.

ADOPTED by the NBWC at a meeting held via Zoom, Alaska, this 06th day of December,  
2023 with a duly constituted quorum.

DocuSigned by:  
*Emily Murray*  
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Emily Murray, Vice President

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12/7/2023

