



**2024 Annual Convention
Ridgefield, Washington**

RESOLUTION #2024 – 47

**“SUPPORTING EQUITABLE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR TRIBAL
HATCHERIES TO ENHANCE SALMON PRESERVATION AND
REVITALIZATION”**

PREAMBLE

We, the members of the Affiliated Tribes of Northwest 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 rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for natural, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and Tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, salmon are not only a significant natural resource but also hold immense cultural, spiritual, and economic significance for many Tribal nations, making salmon preservation and revitalization essential to Tribal sovereignty and way of life; and

WHEREAS, the Lummi Nation operates the Skookum Creek Hatchery and other Tribal hatcheries as integral components of their efforts to restore and maintain fish populations, mitigate habitat degradation, and fulfill their treaty rights; and

WHEREAS, the Environmental Protection Agency (EPA) issues National Pollution Discharge Elimination System (NPDES) General Permits for Federal Aquaculture Facilities and Aquaculture Facilities Located in Indian Country ("Permit(s)"), which impose disproportionately stringent regulatory standards and requirements on Tribal hatcheries compared to non-Tribal hatcheries and municipal wastewater treatment plants; and

WHEREAS, these stringent requirements include excessive nutrient monitoring, unattainable effluent limitations, and burdensome reporting obligations that do not appropriately consider the minimal environmental impact of Tribal hatcheries relative to significant polluters such as agricultural runoff, logging operations, and wastewater treatment plants; and

WHEREAS, the Permit's requirements place undue financial and administrative burdens on Tribal hatcheries, diverting necessary resources away from salmon conservation efforts and impeding the ability of Tribes like the Lummi Nation from exercising their treaty rights and uphold their responsibilities as co-managers of fishery resources; and

WHEREAS, the EPA's approach does not adequately recognize the unique role of Tribal hatcheries, the federal trust responsibility, and the government-to-government relationship between Tribes and the United States, as emphasized in Executive Orders 13175 and 14112; and

WHEREAS, the discrepancies in regulatory treatment undermine the principles of environmental justice by imposing harsher regulations on Tribal entities that are working towards environmental preservation, while more significant polluters face less stringent requirements; and

WHEREAS, the ATNI has consistently supported the protection of Tribal treaty rights, environmental stewardship, and equitable treatment of Tribal nations in federal regulatory actions; now

THEREFORE, BE IT RESOLVED, that ATNI hereby calls upon the Environmental Protection Agency (EPA) to:

1. **Recognize the Unique Role of Tribal Hatcheries.** Tribal hatcheries are essential for fulfilling treaty obligations, supporting salmon preservation and revitalization, and mitigating the impacts of habitat degradation.
2. **Ensure Equitable Regulatory Treatment.** Adjust the NPDES Permit requirements to align with those imposed on non-Tribal hatcheries and municipal wastewater treatment plants, removing disproportionately stringent standards that unfairly burden Tribal hatcheries.
3. **Modify Nutrient Monitoring and Effluent Limitations.** Reassess and reduce the frequency and scope of nutrient monitoring requirements and adjust effluent limitations

to reflect the minimal impact of Tribal hatcheries on water quality compared to larger, unregulated non-point source polluters.

4. **Exempt Tribal Hatcheries from Unattainable Compliance Standards.** Exempt facilities like the Skookum Creek Hatchery from Total Maximum Daily Load compliance for impairments caused by factors beyond their control, such as temperature and dissolved oxygen levels affected by climate change and upstream pollution.
5. **Eliminate Unnecessary Reporting Requirements.** Remove burdensome reporting obligations that duplicate existing disease control policies and infringe upon Tribal sovereignty, such as the requirement to report disease outbreaks to State agencies which has already been a policy since 1991.
6. **Engage in Meaningful Government-to-Government Consultation.** Initiate formal consultations with affected Tribes to collaboratively develop Permit conditions that respect Tribal sovereignty, treaty rights, and the federal trust responsibility, ensuring that Tribal hatcheries can operate effectively in their conservation missions; and

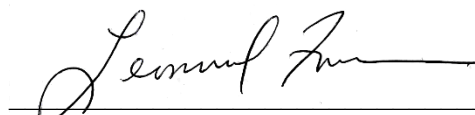
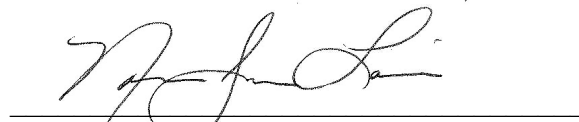
BE IT FURTHER RESOLVED, that ATNI urges the EPA to uphold the principles of environmental justice by not disproportionately imposing regulatory burdens on Tribal entities dedicated to environmental stewardship, and instead focus regulatory efforts on significant sources of pollution impacting water quality in Tribal territories; and

BE IT FURTHER RESOLVED, that ATNI supports the Lummi Nation and all Tribal nations in their efforts to preserve and revitalize salmon populations, protect their treaty rights, and promote sustainable environmental practices for the benefit of current and future generations; and

BE IT FINALLY RESOLVED, that this resolution be forwarded to regional and national forums.

CERTIFICATION

The foregoing resolution was adopted at the 2024 Annual Convention of the Affiliated Tribes of the Northwest Indians, held at ilani Casino Resort, Ridgefield, Washington on September 29 – October 3, 2024 with a quorum present.


Leonard Forsman, President
Norma Jean Louie, Secretary