



2016 Annual Convention Tulalip, WA

RESOLUTION #16 - 57

“PROTECTION AND MAXIMIZATION OF HATCHERY PRODUCTION TO PROVIDE FOR THE TREATY RESERVED RIGHT TO HARVEST FISH”

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 to 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 national, 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 the ATNI; 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 in United States vs. Washington (1974) Judge George Boldt affirmed that the treaty reserved right to take fish, and set criteria for conservation, fishery regulation and sharing, which was upheld by the Supreme Court (*Passenger Vessel*), and, the federal trustees and courts are obligated to uphold the Treaty Rights which requires there to be fish available to harvest, a functioning habitat and clean water necessary to provide for the treaty right to fish (*Phase II, Culvert 2007, US v WA*), and that hatchery fish are part of the Treaty Right (*US v WA*); and

WHEREAS, salmon populations have been decimated by degraded water quality and quantity, 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 the Clean Water Act (CWA), Magnuson Stevens Act (MSA), and the Coastal Zone Management Act (CZMA) 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 (ESA) listed species, 2) Lack of state and federal financial and political support for hatchery operations, 3) state and federal 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 (HGMPs); and

WHEREAS, the 2016 North of Falcon fisheries management process was mired with conflict and was unable to establish a list of agreed fisheries due to a lack of a harvestable surplus of fish for treaty and non-treaty fisheries; and

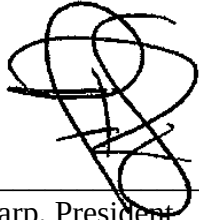
WHEREAS; hatcheries can produce an abundance of fish for harvest by treaty and non-treaty fisheries; and

WHEREAS, effectively and efficiently run hatcheries are managed and operated to ensure fish are produced without impeding the recovery of wild stocks, now

THEREFORE BE IT RESOLVED, that ATNI calls upon the congressional delegation, Congress, WA Governor Inslee, and WA state legislature, and Oregon Governor Brown and the Oregon state legislature to fully fund hatchery operations to provide sustainable harvest for treaty and non-treaty fisheries.

CERTIFICATION

The foregoing resolution was adopted at the 2016 Annual Convention of the Affiliated Tribes of Northwest Indians, held at Tulalip Resort Casino, Tulalip, Washington on September 26–29, with a quorum present.



Fawn Sharp, President

Norma Jean Louie, Secretary