

**SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 38(RLS) am S**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE RULES COMMITTEE**

**Amended: 2/7/96**

**Offered: 2/5/96**

**Sponsor(s): REPRESENTATIVES AUSTERMAN, Navarre, Grussendorf, Williams, Nicholia**

**SENATORS Halford, Taylor, Zharoff, Leman, Kelly, Lincoln**

**A RESOLUTION**

**1 Relating to reauthorization of the Magnuson Fishery Conservation and Management**  
**2 Act.**

**3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**4 WHEREAS** the Magnuson Fishery Conservation and Management Act (Act)  
**5** established a fishery conservation zone, now known as the exclusive economic zone (EEZ),  
**6** out to 200 miles from the shoreline of Alaska and the other states to protect, conserve, and  
**7** manage the extensive fisheries resources of the continental shelf; and

**8 WHEREAS** coastal communities of Alaska lie adjacent to, and depend upon, the  
**9** fishery resources of the federally managed EEZ in the Bering Sea, Gulf of Alaska, and North  
**10** Pacific Ocean off Alaska; and

**11 WHEREAS** the Act provides for the management of the fishery resources of the EEZ  
**12** through regional fishery management councils and by the National Marine Fisheries Service;  
**13** and

**14 WHEREAS,** in October 1995, the United States House of Representatives  
**15** overwhelmingly passed H.R. 39, Congressman Don Young's bill to reauthorize the Act, with  
**16** strong conservation provisions and language protecting Alaska's family fishing operations, and

1 the United States Senate is currently considering the reauthorization of the Act; and

2 **WHEREAS** several issues of national and regional importance are being considered  
3 as part of the reauthorization process for the Act;

4 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the  
5 Congress to reauthorize the Magnuson Fishery Conservation and Management Act with the  
6 following provisions to

7 (1) authorize the regional fishery management councils to minimize the bycatch  
8 of unwanted species, sizes, or sexes of fishery resources and to promote full utilization of  
9 fishery resources;

10 (2) prohibit regional fishery management councils from setting fishing levels  
11 above the sustainable yield, and require the councils to establish measurable and objective  
12 criteria to determine what constitutes overfishing in a fishery while also establishing rebuilding  
13 programs for a fishery that meets the criteria for overfishing;

14 (3) request that the National Marine Fisheries Service work with the regional  
15 fishery management councils on conservation and management measures to protect essential  
16 fisheries habitat from adverse effects;

17 (4) establish reasonable restrictions on direct, personal, and financial conflicts  
18 of interest by members of the regional fishery management councils, provided that those  
19 restrictions recognize that minor insignificant conflicts are inevitable and acceptable given the  
20 nature of the membership of the regional fishery management councils;

21 (5) establish a moratorium, for the duration of this reauthorization of the Act,  
22 upon the establishment and implementation of individual fishery quota systems for federally  
23 managed fisheries and a prohibition against the development of a new individual fishery quota  
24 system for the duration of this reauthorization of the Act;

25 (6) provide a portion of the annual harvest in a fishery subject to individual  
26 fishery quotas for entry level fishermen or small vessel owners who do not hold individual  
27 fishery quotas;

28 (7) require a portion of any fees or rents collected from federally managed  
29 fisheries be distributed to the adjacent coastal states for fishery conservation and management  
30 purposes;

31 (8) require that any federal fee system for federally managed fisheries allow

1 a deduction for other local, state, and federal fishing fees and taxes that are paid by fishermen;  
2 (9) amend 16 U.S.C. 1856 to authorize the extension of state jurisdiction into  
3 the exclusive economic zone when a North Pacific Fishery Management Council fishery  
4 management plan does not exist; and

5 (10) authorize the establishment and implementation of community  
6 development quota or community protection set-aside programs for the Bering Sea and  
7 Aleutian Islands areas to aid fishery development and recognize the economic dependence of  
8 coastal communities upon fishing; and be it

9 **FURTHER RESOLVED** by the Alaska State Legislature that fees, taxes, or royalties  
10 levied on the harvesting or processing of fishery resources in the exclusive economic zone  
11 must recognize and give credit for other federal, state, and local fees, taxes, and royalties also  
12 levied on those same activities and that revenue derived from fees, taxes, or royalties levied  
13 on the harvesting or processing of fishery resources in the exclusive economic zone be utilized  
14 for the management, enforcement, research, and administration of fishery programs in the  
15 areas where the revenue was derived; and be it

16 **FURTHER RESOLVED** by the Alaska State Legislature that the National Marine  
17 Fisheries Service should receive the funding necessary to provide the regional fishery  
18 management councils with sufficient biological information to implement controls against  
19 overfishing and with the research needed to understand and manage fishery resources; and be  
20 it

21 **FURTHER RESOLVED** that the Alaska State Legislature respectfully opposes any  
22 proposal to alter the established composition of the North Pacific Fishery Management  
23 Council.

24 **COPIES** of this resolution shall be sent to the Honorable Frank Murkowski, Chair,  
25 United States Senate, Committee on Energy and Natural Resources; the Honorable Don  
26 Young, Chair, United States House of Representatives, Committee on Resources; and to the  
27 Honorable Ted Stevens, Chair, United States Senate Subcommittee on Oceans and Fisheries  
28 of the Committee on Commerce, Science, and Transportation.