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Kane

4/13/09

**CS FOR HOUSE JOINT RESOLUTION NO. 32( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY****Offered:****Referred:****Sponsor(s): REPRESENTATIVES STOLTZE, Keller, Gatto**

**A RESOLUTION**

1 **Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye**  
2 **salmon personal use dip net fisheries.**

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

4 **WHEREAS** the United Cook Inlet Drift Association is a group of nonresident and  
5 resident commercial gill net fishermen in Cook Inlet; and

6 **WHEREAS** the United Cook Inlet Drift Association has filed a lawsuit against the  
7 United States Secretary of Commerce requesting that the United States Department of  
8 Commerce preempt state management of its salmon stocks in Cook Inlet; and

9 **WHEREAS** the United Cook Inlet Drift Association has filed a lawsuit against the  
10 United States Secretary of Commerce claiming, among other things, that association's  
11 nonresident members are discriminated against because they cannot participate in the  
12 resident-only dip net fishery, thus requesting the court to declare that the state-authorized  
13 resident-only salmon fisheries are unconstitutional and therefore preempted by federal law;  
14 and

15 **WHEREAS** all five species of Pacific salmon are an integral part of Alaska's history,  
16 heritage, and cultural identity, helping to meet both its economic and nutritional needs; and

1       **WHEREAS** the Magnuson-Stevens Fishery Conservation and Management Act  
2 explicitly excludes state waters from the jurisdiction of the Act; and

3       **WHEREAS** the exclusive economic zone is closed to commercial fishing under the  
4 Magnuson-Stevens Fishery Conservation and Management Act unless specifically authorized  
5 by the state; and

6       **WHEREAS** the Alaska Board of Fisheries has devoted an inordinate amount of time  
7 to the extremely complex salmon management program in the Cook Inlet region in an attempt  
8 to balance the interests of all stakeholders; and

9       **WHEREAS** the potential results of this lawsuit, if the plaintiff is successful, would  
10 not only preempt state fisheries management but could result in a larger number of  
11 nonresident dip net fishermen being allowed to fish, causing an even smaller allocation to the  
12 commercial fisheries, thus conceivably further adversely affecting the members of the United  
13 Cook Inlet Drift Association; and

14       **WHEREAS** the establishment of federal and state recognized commercial fisheries  
15 limited entry programs have drastically limited the ability of residents to use efficient  
16 commercial gear for taking subsistence and personal use salmon resources, which has resulted  
17 in the establishment of less efficient methods, such as the dip net fisheries, for taking salmon  
18 to meet Alaska's nutritional needs; and

19       **WHEREAS** members of the United Cook Inlet Drift Association are able to use their  
20 exclusive limited entry permits to use efficient gear that is not available to the average  
21 Alaskan for the purpose of taking salmon for personal use; and

22       **WHEREAS** members of the United Cook Inlet Drift Association, including all  
23 nonresidents, are allowed an unlimited bag limit, an unlimited possession limit, and an  
24 unlimited annual limit under state law for salmon retained for personal use if taken during the  
25 commercial fisheries, which is a luxury not afforded to Alaskans who do not possess a state  
26 limited entry permit; and

27       **WHEREAS** both the federal government and the state recognize in law and place a  
28 high priority on the importance of taking of wild resources for food; and

29       **WHEREAS** the State of Alaska restricts dip net salmon fisheries to Alaska residents;  
30 and

31       **WHEREAS**, in 1984, a resident-only dip net fishery for Copper River red salmon

1 stocks was established in Chitina; and

2 **WHEREAS**, in 2006, 2007, and 2008, the Alaska Department of Fish and Game  
3 issued over 8,000 permits allowing Alaskans to dip net for salmon in Chitina; and

4 **WHEREAS**, in 1981, a dip net fishery for red salmon stocks was established at the  
5 mouth of the Kenai and Kasilof Rivers; and

6 **WHEREAS**, in 2006, 2007, and 2008, the Alaska Department of Fish and Game  
7 issued between 18,500 and 23,700 permits allowing Alaskans to dip net for salmon in the  
8 Kenai and Kasilof Rivers; and

9 **WHEREAS** the Alaska Department of Fish and Game calculates that those dip net  
10 fisheries provide an average of 14 fish for each household for those households that  
11 participated in the Kenai and Kasilof Rivers dip net fisheries in 2006, 2007, 2008; and

12 **WHEREAS** there appears to be a growing groundswell of support within the  
13 commercial fishing industries represented at the North Pacific Fisheries Management Council  
14 and state Board of Fisheries levels for a more dominant role in the regulatory process; and

15 **WHEREAS** the Constitution of the State of Alaska dictates that "The legislature shall  
16 provide for the utilization, development, and conservation of all natural resources belonging  
17 to the State, including land and waters, for the maximum benefit of its people," which clearly  
18 means that the state's common property resources must benefit all Alaskans and not just a few  
19 commercial fisherman;

20 **BE IT RESOLVED** that the Alaska State Legislature hereby requests that the United  
21 Cook Inlet Drift Association drop its lawsuit advocating federal preemption of Alaska's  
22 salmon management in state waters in Cook Inlet and opposing the personal use of salmon by  
23 Alaska residents; and be it

24 **FURTHER RESOLVED** that the Alaska State Legislature also requests Governor  
25 Sarah Palin to direct the attorney general to oppose this lawsuit.

26 **COPIES** of this resolution shall be sent to the Honorable Gary F. Locke, United  
27 States Secretary of Commerce; the Honorable Sarah Palin, Governor of Alaska; the  
28 Honorable Wayne Anthony Ross, Alaska Attorney General; and the Honorable Denby Lloyd,  
29 Commissioner, Department of Fish and Game.