

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 2/5/96

Referred: Today's Calendar

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

SENATORS Halford, Taylor, Zharoff, Leman, Kelly

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) require regional fishery management councils to identify essential fish
15 habitat for each fishery management plan and to implement conservation and management
16 measures to protect that 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.