

SENATE JOINT RESOLUTION NO. 26

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Introduced: 4/1/97

Referred: Resources

A RESOLUTION

1 **Relating to proposed regulations of the North Pacific Fishery Management Council**
2 **creating a new discriminatory halibut fishery in Alaska.**

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

4 **WHEREAS** the North Pacific Fishery Management Council (NPFMC) has recently
5 been urged to initiate a regulatory amendment outlining options for addressing certain
6 unlawful practices in the conduct of personal consumption halibut fisheries in Alaska; and

7 **WHEREAS** the NPFMC Halibut Subsistence Committee has developed proposed
8 regulatory options that include the creation of discriminatory qualifications based on race and
9 residency; and

10 **WHEREAS** there is questionable legal authority for the NPFMC to adopt
11 discriminatory regulations, especially those that are racially constructed; and

12 **WHEREAS** the proposed regulatory options provide the potential for an expanding
13 new fishery on a resource that is currently fully allocated; and

14 **WHEREAS** the proposed regulatory options include possible commercial sale of
15 subsistence caught halibut in violation of existing state law; and

16 **WHEREAS** the passage of the proposed special interest regulations will create major

1 enforcement problems for federal and state enforcement officials throughout the coastal areas
2 of Alaska; and

3 **WHEREAS** the Twentieth Alaska State Legislature is supportive of providing adequate
4 legal means for Alaska residents to harvest fish and wildlife to meet their personal
5 consumption needs; and

6 **WHEREAS** the Twentieth Alaska State Legislature is equally concerned about its
7 constitutional responsibilities to provide for the "sustained yield" of Alaska's renewable
8 resources by assuring that the first basic concern is the protection of the resource base; and

9 **WHEREAS** the proposed regulations discriminate against many major coastal
10 communities and will create serious racial, social, and economic conflicts within the coastal
11 communities of Alaska; and

12 **WHEREAS** all Alaskans have a personal use catch limit of two halibut a day, and the
13 creation of this type of new fishery is not needed to meet the personal consumption needs of
14 Alaskans; and

15 **WHEREAS** alternative regulatory options for personal consumption should be
16 considered, such as special seasons, special methods and means, and special areas for
17 harvesting halibut for personal consumption; and

18 **WHEREAS** the Alaska delegation in Congress, the Governor's office, and the Alaska
19 State Legislature are already working hard to find common ground and permanent solutions
20 to the already serious conflicts existing between state and federal laws over fish and wildlife
21 management in Alaska; and

22 **WHEREAS** the passage of this type of new fishery as proposed under all identified
23 options will result in the further polarization of positions regarding state and federal
24 jurisdictional conflicts;

25 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the North
26 Pacific Fishery Management Council and the Secretary, United States Department of
27 Commerce, to provide for personal use fisheries for halibut by all Alaskans through
28 modification of existing regulations, such as special seasons and special methods and means,
29 to provide a reasonable opportunity to meet personal consumption needs; and be it

30 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests that
31 the North Pacific Fishery Management Council reject regulations designed to divide Alaskans

1 along ethnic or other discriminatory lines.

2 **COPIES** of this resolution shall be sent to the Honorable William M. Daley, Secretary,
3 United States Department of Commerce; Rick Lauber, Chair, North Pacific Fishery
4 Management Council; and to the Honorable Ted Stevens and the Honorable Frank Murkowski,
5 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
6 delegation in Congress.