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561

INTERNATIONAL ILWU ALASKA COUNCIL
LONGSHOREMEN'S & WAREHOUSEMEN'S
222 WILLOUGHBY AVE., JUNEAU, ALASKA 99801 UNION
(907) - 586-6642

RESOLUTION TO PROHIBIT THE ENTRANCE OF FOREIGN
OWNED VESSELS INTO ALASKAN WATERS

- WHEREAS: The Bristol Bay Herring Marketing Cooperative has recently filed suit against the State of Alaska alleging that Alaska's Primary Processing Policy is unconstitutional;
- WHEREAS: The Bristol Bay Herring Market Cooperative has additionally claimed that the State's regulations regarding the entrance of foreign-owned factory ships into Alaska State Territorial Waters for the purpose of buying and processing Alaskan-caught seafood is unconstitutional;
- WHEREAS: The membership of the International Longshoremen's and Warehousemen's Union, Alaska's largest waterfront union, is largely dependent upon Alaska's seafood processing industry for their economic livelihood;
- WHEREAS: The membership of the International Longshoremen's and Warehousemen's Union shares the acute frustration of fishermen throughout the State who find themselves at the mercy of manipulated marketing structures, inadequate processing capacities, and unrealistically low prices which ultimately result in little or no profit for their efforts;
- WHEREAS: Federal District Court Judge James M. Fitzgerald has recently enjoined the State of Alaska from enforcing its laws and regulations regarding both the Primary Processing Policy and the entrance of foreign-owned factory ships into State Territorial Waters;
- WHEREAS: This ruling raises the specter of foreign-owned processing vessels displacing Alaska's domestic processing industry and becoming the primary processor for Alaska's bountiful seafood harvest;
- WHEREAS: It is well known that workers on foreign-owned factory ships are paid well below Alaska's minimum wage, in some cases as low as \$0.30 per hour;
- WHEREAS: These foreign-owned factory ships do not currently have to comply with various federal rules such as EPA, FDA and OSHA Regulations, not to mention minimum wage requirements;
- WHEREAS: The seafood processing industry in Alaska is the State's largest private industry employer, employing over 10,000 processing workers;
- WHEREAS: Seafood harvested within Alaska's State Territorial Waters is a common property resource belonging to all Alaskans, and thus should be managed and harvested in such a way as to provide the maximum benefit to the maximum number of Alaskans;

WHEREAS: The State of Alaska cannot under any circumstances allow the entrance of foreign-owned factory ships into State Territorial Waters for the purpose of competing with our domestic processing industry for the simple reason we cannot afford the destruction of our domestic industry and the accompanying loss of thousands of Alaskan jobs;

THEREFORE BE IT RESOLVED:

The State of Alaska take whatever legal and legislative steps are necessary to prohibit the entrance of these foreign-owned vessels into Alaskan Waters which shall include:

1. Petitioning the Congress of the United States to enact legislation to prohibit the entrance of foreign-owned factory ships into State Territorial Waters for the purpose of buying and processing American-harvested seafood;
2. Petitioning the United States Federal Courts to require and enforce compliance of all Federal laws and regulations applicable to any other business operating within the boundaries of the United States on these foreign-owned processing vessels;

BE IT FURTHER RESOLVED:

The Legislature of the State of Alaska enact laws which are designed to aid and assist the Bristol Bay Herring Marketing Association and other such fishermen associations and organizations throughout Alaska in procuring additional domestic processing capacities and alternative marketing structures for their harvests, and;

BE IT FINALLY RESOLVED:

That copies of this Resolution be presented to the Honorable Jay Hammond, Governor of Alaska, members of Alaska's Congressional Delegation, ILWU International President James Herman, ILWU Washington Representative Mike Lewis, and to the Twenty-Fourth Biennial Convention of the ILWU.

This Resolution was unanimously approved by members of the ILWU Alaska Council on April 7, 1981, at Juneau, Alaska.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811

May 12, 1981

The Honorable Fred F. Zharoff
The Honorable Terry Gardiner
Co-Chairmen
House Resources Committee
Room 118 - Capitol Building
Juneau, Alaska

Dear Mr. Zharoff and Mr. Gardiner:

Re: House Bill No. 561

House Bill No. 561, an Act allowing foreign vessels and aliens to process salmon in the state, was introduced in the house on May 7, 1981 and was referred to the House Resources Committee.

For the consideration of the House Resources Committee, I am enclosing copies of Fiscal Notes prepared by Mr. Gary L. Jenkins, Director, Audit Division and Mr. Robert W. Elliott, Research Section of the Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

RDS/rdh

cc: Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Gary L. Jenkins, Director
Audit Division
Department of Revenue

Robert W. Elliott
Research Section
Department of Revenue



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish & Game	Sponsor (Printed) Chuckwuk	Bill Number HB 561
Department Position Oppose		
Division Director Steven Pennoyer <i>SA Pennoyer</i>	Date 5/13/81	Commissioner Ronald O. Skoog <i>R O Skoog</i>
		Date 13 MAY 81

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting) Unknown	1. b) Other Agencies Affected by Bill Labor, Revenue
2. a) Organizational Support for Bill Some commercial fishermen	2. b) Organizational Opposition to Bill Domestic fish processors

3. Program Effects of Bill
See comments

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:
None

6. Comments:
The proposed legislation would invalidate the present restriction on foreign processing specified in commercial fishing regulation 5 AAC 39.198 and AS 16.05.905. Under the existing regulations foreign vessels and/or aliens are prohibited from engaging in commercial fishing activities including the catching, tendering, handling, and processing of fish resources of the State. The regulation does allow foreign vessels and aliens to transport fish after processing has been completed. Processing is defined in the regulation as the completion of: cooking, canning, smoking, salting..., drying or freezing.... The regulation goes on to provide that the Commissioner of Fish and Game may grant a limited exception and allow foreign vessels and aliens to process fish resources and/or to transport unprocessed fish resources if the certain criteria are met. The criteria are based on shortfalls in domestic processing capacities, likelihood of excessive
(over)

escapements and resource wastage, and Department ability to adequately monitor foreign processing activities.

Since the foreign processing regulation was first enacted in 1978, exceptions have been granted on four separate occasions. In each of these cases the Department documented that domestic processing capabilities would likely fall short of that needed to handle the volume of fish expected to be harvested by U.S. fishermen and that wastage might occur.

The Department has experienced some difficulties applying the exception provision of the foreign processing regulation due to forecast inaccuracies, variability in run timing, and undocumented processing capabilities. Foreign processors have also experienced difficulties responding to the exceptions due to limited advance warnings and lack of a guaranteed operating period or harvest level.

If the existing restrictions controlling foreign processing were removed, the Department would have to initiate new strategies to effectively monitor harvest deliveries and insure their full compliance with other Department reporting requirements. This may require additional personnel and equipment depending on the resulting number and extent of foreign processing operations in the State's fisheries.

The present foreign processing regulations and statute may be invalidated even without passage of this bill. In April 1981 Judge Fitzgerald granted an injunction allowing foreign processing to occur between the Bristol Bay Herring Marketing Coop and the Japanese Longliners. A hearing is scheduled for June 8 to discuss the merits of the State's foreign processing laws. The Department believes the matter may well be decided then.

The injunction granted by Judge Fitzgerald has attracted considerable interest throughout the Nation, especially among the domestic processing industry. Domestic processors are lobbying heavily in Washington D.C. to get the Federal government to prevent foreign processors from operating freely within State internal waters. The U.S. Departments of State and Commerce are both greatly concerned that there is apparently little authority to prevent foreign processing activities in such areas. Both Federal agencies are reviewing all options available to them to regulate foreign processing activity. Options being considered entail some form of Federal action which would control the activities of foreigners in the internal waters.

The Department of Fish and Game opposes this bill. If the State of Alaska does not have the ability to determine when and where supplemental foreign processing will occur, the domestic processing industry may be subjected to unfair competition for supply and markets by foreigners who have no interest in the long term viability of local economies and the fishery resource. There are times when the supply of fish exceeds the capacity of domestic processing facilities. When such instances can be predicted the State should have the opportunity to allow supplemental processing in order to provide markets for our fishermen and to prevent wastage of the resource. This bill does not permit the State the flexibility to decide whether or not the State's best interest is served by allowing supplementary foreign processing.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 561

Title An Act allowing foreign vessels and aliens to process salmon.

Requested by Chuckwuk

Date 05/09/81

II. FISCAL DETAIL

Agency Affected Department of Revenue

Program Category Affected Revenue Collection And Management

BRU, Program, or Subprogram(s) Affected Audit Division

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) -None

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars) -None

GENERAL FUND	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS -None

FULL TIME	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV DATE May 11, 1981

PREPARED BY Gary L. Jenkins

AGENCY Division of Audit

PHONE 465-2320

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 561
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 Requested by House Resources Committee Date May 11, 1981

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TOTAL

FUNDING (Thousands of Dollars) NONE

GENERAL FUND						
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POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section iii)

No change in revenues.

IV. DATE May 11, 1981

PREPARED BY Robert W. Elliott
 AGENCY Revenue
 PHONE 465-2309

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

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III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

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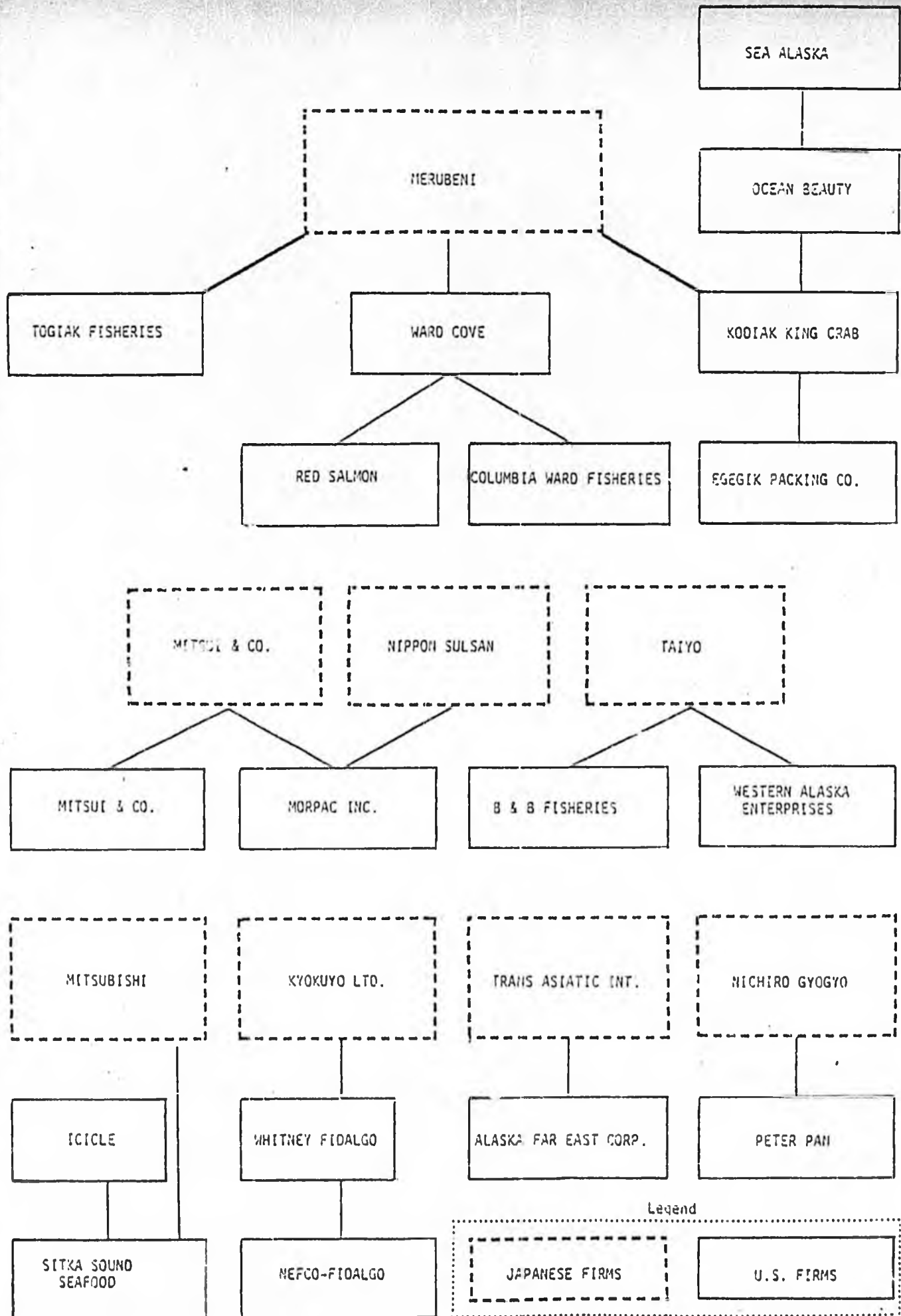
Table 6-2. Processing volumes of sockeye salmon by firm in
Bristol Bay, 1980

Firm	Volume		
	Canned ^{1/} Cases	Fresh/Frozen -----lbs-----	Roe
Alaska Far East Corp.	--	1,225,000	--
Alaska Fish & Crab	--	1,000,000	--
Alaska Packers Assoc.	65,351	--	132,235
Bumble Bee Seafoods	39,277	430,072	--
Columbia Ward Fisheries	171,808	846,839	--
Diamond E. Fisheries	72,154	411,750	--
Kachemak Seafoods	--	1,408,954	68,329
Nelbro Packing	67,078	38,696	130,414
Pan Alaska Fisheries	43,985	--	--
Peter Pan Seafoods	64,889	5,232,783	362,473
Red Salmon Co.	39,277	430,072	--
Togiak, Fisheries	21,370	--	183,000
Ultra-Alaska Association	--	2,928,000	89,646
Miscellaneous)	77,287		
Total Bristol Bay	662,476	79,392,734	NA ^{2/}
		93,344,900	NA

Sources: Pacific Packers Report, 1981

1/ 48 lb. case equivalents

2/ Not available.



Price
(\$/lb.)

1.8
1.6
1.4
1.2
1.0
0.8
0.6
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PLOT OF RETLRT*TIME SYMBOL USED IS R
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R = Retail, U.S. red salmon
 W = Wholesale, Alaskan red salmon, canned, tails
 L = Exvessel (landed), Alaskan red salmon
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(All prices are real vs. nominal, average annual, \$/lb. processed)

5-4

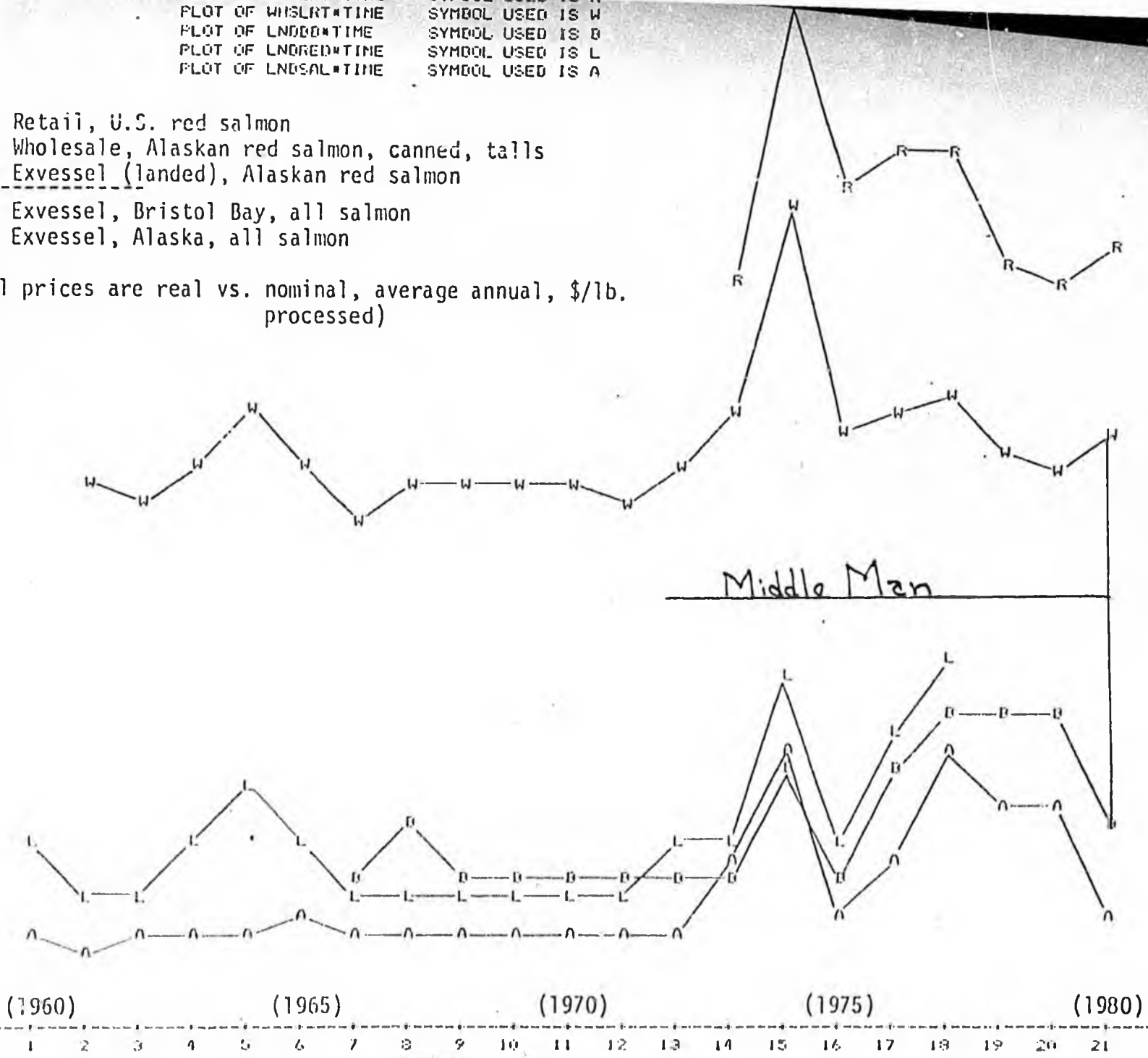


Exhibit 5-1a. Historical Real Prices for Red Salmon--Retail, Wholesale and Exvessel, 1960-1980.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

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IV. DATE May 11, 1981 PREPARED BY Robert W. Elliott
 AGENCY Revenue
 PHONE 465-2309
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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

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Requested by Chuckwuk

Date 05/09/81

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PREPARED BY Garv L. Jenkins

AGENCY Division of Audit

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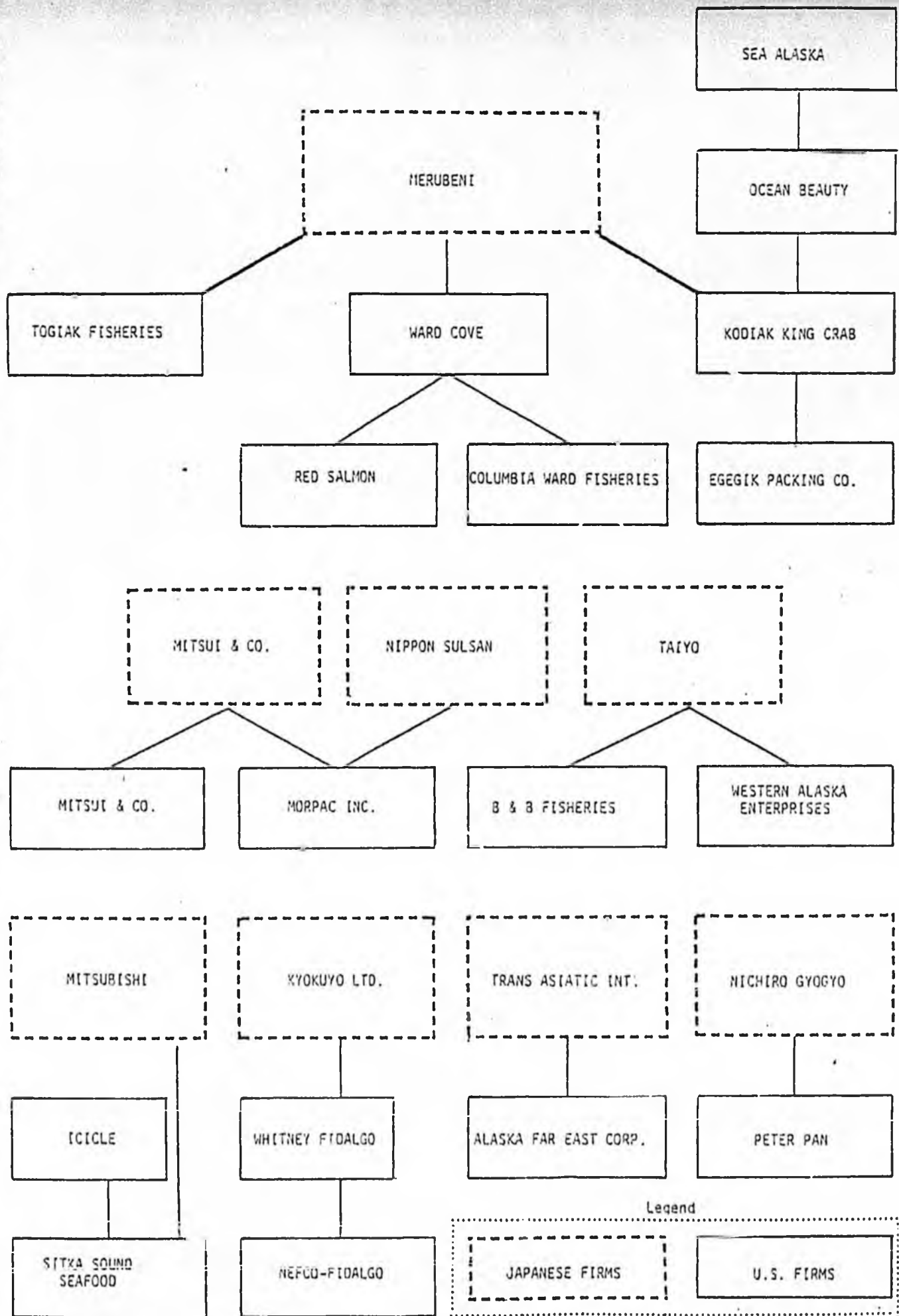
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Sources: Pacific Packers Report, 1981

1/ 48 lb. case equivalents

2/ Not available.



STATISTICAL ANALYSIS SYSTEM

Price (\$/lb.)

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 PLOT OF LNDBD*TIME SYMBOL USED IS B
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 W = Wholesale, Alaskan red salmon, canned, talls
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(All prices are real vs. nominal, average annual, \$/lb. processed)

5-4

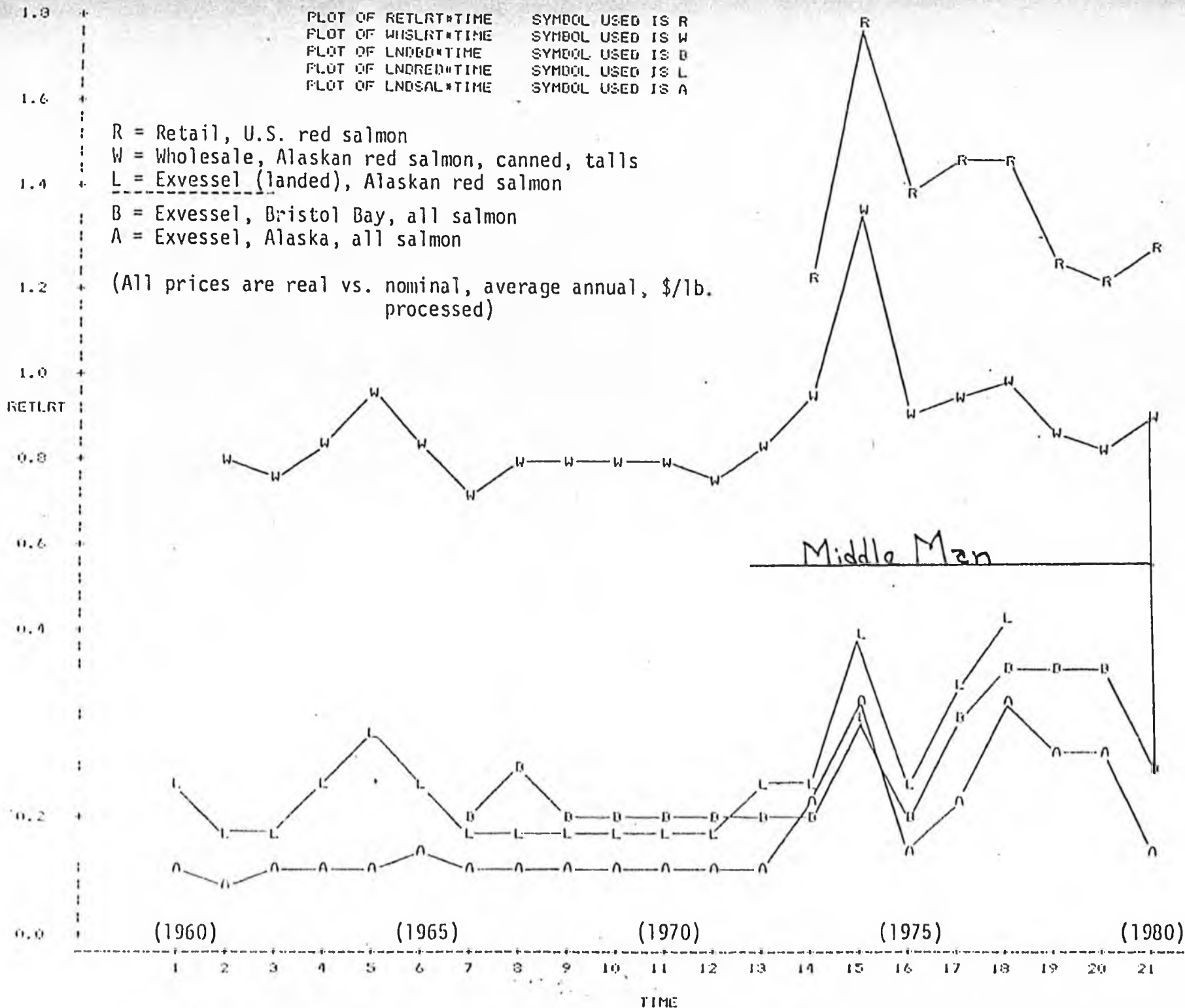


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