

**S J R**

**75**

FIRST COMMITTEE OF REFERRAL

DATE: 2/12/90

FURTHER: Finance

Date of 5-Day Notice: 2-22-90  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-28-90

Resources Committee considered SJR 75

Relating to reauthoziation of the Magnuson Fishery Conservation and Management Act.

and recommended:

- replace with \_\_\_\_\_ CS SJR 75 (Res)  same title
- attached amendment(s)  new title
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) F2.G  
\_\_\_\_\_  
\_\_\_\_\_

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO/PASS:

Richard Holford  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chair: Signature and Recommendation



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION	BILL NUMBER SJR 75	SPONSOR Szymanski
SHORT TITLE OF BILL Relating to reauthorization of Magnuson Act			
DEPARTMENT POSITION Support			
PREPARED BY Molly McCammon	DATE 2/27/90	COMMISSIONER'S SIGNATURE <i>Andrew W. Diley</i>	DATE 2 27 90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL None	CONSTITUENT GROUP(S) AFFECTED BY BILL Commercial fishermen Seafood processors
ORGANIZATIONAL SUPPORT FOR BILL Commercial fishing organizations Coastal communities	ORGANIZATIONAL OPPOSITION TO BILL Factory trawlers

FISCAL IMPACT.  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The United States House of Representatives has passed legislation calling for reauthorization of the Magnuson Fishery Conservation and Management Act. The intent of this resolution is to indicate a legislative position on proposals included in that legislation.

ANALYSIS OF BILL/PROGRAM EFFECTS

This resolution indicates legislative support for the proposal to give authority to fishery management councils to allocate fishery resources between land based and offshore fishing fleets and in doing so, protect the economies of coastal fishing communities. In addition, the resolution calls for strong opposition to the addition of two non-Alaskan members to the North Pacific Fisheries Management Council and directs the Alaska congressional delegation to oppose it also.

AMENDMENTS PROPOSED

See enclosed sheet

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Relating to reauthorization  
of Magnuson Act  
 Sponsor: Senator Szvanski  
 Requestor: Senator Szvanski

Agency Affected: Fish and Game  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No FY 90 impact.

Prepared by: Molly McCammon *Molly McCammon* Phone: 465-4100  
 Division: Commissioner's Office Date: 2/27/90  
 Approved by Commissioner: *Warren H. Kelly* Date: 2/27/90  
 Agency: \_\_\_\_\_

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

Original sponsor(s): SEN. SZYMANSKI

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE JOINT RESOLUTION NO. 75 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Relating to reauthorization and amend-  
6 ment of the Magnuson Fishery Conserva-  
7 tion and Management Act.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS the reauthorization process for the Magnuson Fishery Conserva-  
10 tion and Management Act provides an excellent opportunity to review, as-  
11 sess, and amend the Act in light of recent developments in the fisheries of  
12 the United States; and

13 WHEREAS an important issue to be addressed by the Congress during the  
14 reauthorization process is the allocation of fishery resources between  
15 offshore and land based fishing fleets and processing facilities; and

16 WHEREAS, although the intent of the Act to "Americanize" the fisheries  
17 within the United States exclusive economic zone has been achieved, this  
18 has occurred so rapidly that most small coastal communities in Alaska have  
19 been unable either to enter these fisheries or to maximize their participa-  
20 tion in them; and

21 WHEREAS many persons who reside in the coastal villages on the Bering  
22 Sea would like to participate in the multi-billion dollar groundfish  
23 fishery that lies at their doorstep, but the high capital investment needed  
24 to enter the fishery has prevented most village fishermen from doing so;  
25 and

26 WHEREAS a key component of the ability of village fishermen to obtain  
27 the necessary capital to become participants in this fishery is guaranteed  
28 year-round access to the resource that could be provided for through the  
29 addition of a community development quota provision to the Act; and

1           WHEREAS Senator Ted Stevens has incorporated this concept into S. 1900  
2 that amends and reauthorizes the Act and proposes a five percent set-aside  
3 for communities that satisfy established criteria as "economically disad-  
4 vantaged communities"; and

5           WHEREAS the recent dramatic expansion of the offshore catcher-proces-  
6 sor fleet poses a significant risk of overcapitalization in the domestic  
7 fisheries of the North Pacific Ocean; and

8           WHEREAS overcapitalization of a fishery carries a risk of over utili-  
9 zation of the fishery; and

10          WHEREAS land based fishing fleets and processing facilities are less  
11 able to exploit new and distant fisheries than are mobile offshore catch-  
12 er-processor fleets after local fishery resources are overexploited; and

13          WHEREAS the long-term dependence of land based fishing fleets and  
14 processing facilities on local fishery resources promotes conservation and  
15 sustained yield of those resources by those fishing fleets and processing  
16 facilities; and

17          WHEREAS the regional fishery management councils should be given  
18 authority to allocate fishery resources between land based and offshore  
19 fishing fleets and to protect the fishery-dependent economies of coastal  
20 communities; and

21          WHEREAS the United States House of Representatives has approved a  
22 proposal by participants in the offshore catcher-processor fleet to add two  
23 members who reside in Washington or Oregon to the North Pacific Fishery  
24 Management Council; and

25          WHEREAS the addition of two non-Alaskan members to the North Pacific  
26 Fishery Management Council is not justified by the actions of the council  
27 or the status of the fishery resources off Alaska and is an inappropriate  
28 attempt to divert the focus of the council from conservative management of  
29 the developing offshore fisheries off Alaska and to promote the interests

1 of the burgeoning offshore catcher-processor fleet; and

*deleted*

2 WHEREAS Alaska's member of the United States House of Representatives,  
3 Congressman Don Young, supported the legislation containing the proposal to  
4 increase the membership of the North Pacific Fishery Management Council;  
5 and

6 WHEREAS the Legislature of the State of Alaska opposes the increase in  
7 the membership of the North Pacific Fishery Management Council and is  
8 disappointed in the actions of Congressman Don Young;

*deleted*

9 BE IT RESOLVED that the Alaska State Legislature supports the proposal  
10 to give authority to fishery management councils to allocate fishery re-  
11 sources between land based and offshore fishing fleets and to protect the  
12 fishery based economies of coastal communities; and be it

13 FURTHER RESOLVED that the Alaska State Legislature respectfully re-  
14 quests the United States Congress to adopt the amendment to the Magnuson  
15 Fishery Conservation and Management Act proposed in S. 1900 to provide  
16 assistance to economically disadvantaged fishing communities; and be it

17 FURTHER RESOLVED that it is the legislature's highest priority that  
18 the current geographic composition of the North Pacific Fishery Management  
19 Council be retained and that Senator Ted Stevens and Senator Frank  
20 Murkowski are respectfully requested to oppose the proposal to add new  
21 members to the council; and be it

22 FURTHER RESOLVED that Congressman Don Young is respectfully requested  
23 to oppose the proposal to add members to the North Pacific Fishery Manage-  
24 ment Council and to support the Alaska fishing industry when he serves as a  
25 member of the conference committee on the Magnuson Fishery Conservation and  
26 Management Act reauthorization bill.

27 COPIES of this resolution shall be sent to the Honorable Dan Quayle,  
28 Vice-President of the United States and President of the U.S. Senate; the  
29 Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives;

1 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.  
2 Senators, and the Honorable Don Young, U.S. Representative, members of the  
3 Alaska delegation in Congress.  
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## House OKs 'walls of death' ban

By Steven J. Gorman  
United Press International

WASHINGTON — The House overwhelmingly approved legislation yesterday to impose a U.S. ban on large-scale driftnet fishing.

The bill, approved 396-21, also extends the federal government's fisheries management authority to include tuna, a highly migratory species that has been regulated only by international conventions.

The driftnet and tuna provisions, both opposed by the Bush administration, were adopted as part of a four-year reauthorization of the 1976 Magnuson Fishery Conservation and Management Act, which expired Sept. 30, 1989.

The legislation now goes to the Senate.

The Magnuson Act is a landmark law that established exclusive U.S. authority over fishery resources within 200 miles of the U.S. coast and

created regional management councils to oversee American and foreign fishing within that zone.

The reauthorization bill provides one additional seat each for Washington and Oregon on the North Pacific Fisheries Management Council, which is now dominated by Alaska fishing interests. The council would be expanded from 11 to 13 seats.

The law, named for its chief sponsor, the late Sen. Warren Magnuson, D-Wash., was enacted in response to concerns that foreign fishing was depleting fishing stocks off U.S. shores.

The reauthorization bill sets a spending ceiling of \$75 million for programs under the act during the current fiscal year, rising by \$1 million a year through fiscal 1993.

One chief provision of the bill prohibits U.S. fishermen from using driftnets more than 1½ miles long and directs the State Department to seek a worldwide ban on the practice.

The U.S. driftnet ban applies to the 200-mile U.S.

Exclusive Economic Zone and international waters, with states allowed to continue regulating such fishing in their own waters.

Rep. Gerry Studds, D-Mass., the primary sponsor of the bill, called driftnets "plastic walls of death" responsible for indiscriminately killing fish, whales, mammals, birds, sea turtles and other marine life.

Japanese, South Korean and Taiwanese fishing fleets rely heavily on the monofilament driftnets, which can extend for dozens of miles.

The Bush administration opposes the tuna provision on grounds that it would hurt U.S. fishing interests.

It objects to prohibiting large-scale driftnets in U.S. waters because it would conflict with a treaty with Japan and Canada regarding salmon fishing in the North Pacific.

The administration also asserts that adequate scientific documentation does not exist to justify an international driftnet ban.

WHEREAS although the intent of the Magnuson Fishery Conservation and Management Act to Americanize the fishery within the 200-mile limit has taken place, this has occurred so rapidly that most small coastal communities Alaska have been unable either to enter these fisheries or to maximize their participation in them; and

WHEREAS many Bering Sea fishermen who reside in the coastal villages would like to participate in the multi-billion dollar groundfish fishery that lies at their doorstep, but the high capital investment needed to enter the fishery has prevented most village fishermen from doing so; and

WHEREAS a key component to their ability to leverage the necessary capital to become players in this fishery is guaranteed, year-round access to the resource which could be provided for through the adoption of a community development quota provision; and

WHEREAS Senator Ted Stevens has incorporated this concept into S. 1900 which amends and reauthorizes the Magnuson Act, calling for a 5% set-aside for communities which meet established criteria as "economically disadvantaged;" and

FURTHER RESOLVED that the Alaska State Legislature requests the United States Congress to adopt the proposed amendment to the Magnuson Fishery Conservation and Management Act included in S. 1900 to provide assistance to economically disadvantaged fishing communities; and



# UNITED FISHERMEN OF ALASKA

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211 4th Street, Suite 106  
Juneau, AK 99801  
907-586-2820

September 5, 1989

The Honorable Ted Stevens  
United States Senate  
522 Hart Building  
Washington, D.C. 20510

Dear Senator Stevens:

As you are aware, United Fishermen of Alaska is very interested in the issues surrounding reauthorization of the Magnuson Act. At its meeting this past spring, UFA's Board developed a list of topics of interest in relation to the Act. The first item on that list is one that we didn't believe would be an issue, but it was important enough to us to include it anyway: maintain the current geographic make-up of the North Pacific Fishery Management Council.

What we are learning now from your staff and from many others is that the Washington Congressional delegation is making it their top priority to add another seat for their state to the Council. Even more disturbing, we are hearing that you believe you may have to agree to this change in order to achieve other amendments to the Act that you think are important.

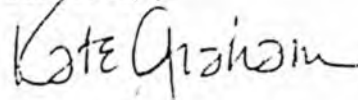
I am writing to let you know the position of Alaska's fishing industry, so there is no misunderstanding between you and us. We believe that there is no other amendment, no other issue, no other need as important as this one regarding the Magnuson Act. We do not want you to compromise on this to achieve anything else. In fact, we hope that you will do everything in your power to halt this attempt to shift the delicate balance on the Council.

It's ironic that one of the strongest proponents from Washington of adding another seat for his state is the current chair of the Council. Not only do we not understand why the chair thinks the interests of his state are being overwhelmed by those of Alaska, but also we question the propriety of his actions under the circumstances.

This is being portrayed to the Washington delegation as a Washington versus Alaska issue. You and we know better, and soon so will they. Many Alaskan fishermen who live in Washington understand that this is really an allocation issue, a conservation issue - and they are saying so to their representatives in Congress.

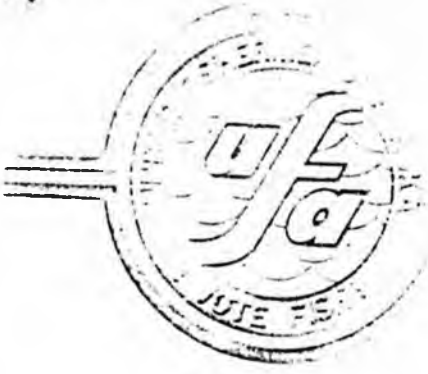
We are doing everything we can to be sure the delegation from Washington knows how their constituents really feel. We expect you to be supporting our efforts at your end of the process. If you have any questions about this, please don't hesitate to let me know.

Sincerely,

A handwritten signature in cursive script that reads "Kate Graham".

Kate Graham  
Executive Director

# UNITED FISHERMEN OF ALASKA



211 4th Street, Suite 106  
Juneau, AK 99801  
907-586-2820

February 5, 1990

## MEMBER ASSOCIATIONS

Alaska Crab Canners  
Alaska Independent Fishermen's  
Marketing Association  
Alaska Longline Fishermen's  
Association  
Alaska Trollers Association  
Bering Sea Fishermen's Association  
Ektot Bay Drifters Association  
Concerned Area 111 Fishermen  
Coastal Community Association  
Cooperatives  
Copper River Fishermen Union  
East Peninsula Fishermen's Association  
Kodiak Peninsula Fishermen's Association  
Northern Southeast Fishermen's  
Association  
Peninsula Marketing Association  
Petersburg Vessel Owners Association  
Prince William Sound  
Aquaculture Association  
Prince William Sound Seiners Association  
Pulaski Producers Cooperative  
Southeast Alaska Seiners  
Southern Southeast Fisheries  
Aquaculture Association  
Unadun Cook Inlet Dredge Association  
United Southeast Alaska Gunnetters  
Western Alaska Cooperative  
Marketing Association

The Honorable Don Young  
U.S. House of Representatives  
2331 Rayburn Building  
Washington, DC 20515

Dear Congressman Young:

We noticed that the House version of amendments to the Magnuson Act is on the consent calendar for a floor vote tomorrow. As you are aware, United Fishermen of Alaska is opposed to this bill because it includes additional seats for the North Pacific Fishery Management Council.

We urge you not to allow this bill to go to the Senate without registering the serious objections your constituents feel. Despite the fact that there are some provisions in the bill for Alaska we are still adamantly opposed to its passage.

As we told you in a letter last September, "We believe that there is no other amendment, no other issue, no other need as important as this one regarding the Magnuson Act." In a letter to you last October signed by representatives of thirteen fishing organizations we said, "Let the position of the Alaskan delegate be steadfast and heated opposition to any changes in the number or regional composition on the North Pacific Fishery Management Council."

We have not changed our position on this and we ask that you be certain the entire House of Representatives is aware of that.

Sincerely,

Kate Graham  
Executive Director

# House OKs bill adding seats to fish council; Alaskans upset

By DAVID WHITNEY  
Daily News reporter

WASHINGTON — The House approved legislation Tuesday that would neutralize Alaska's dominance over the federal council that manages commercial fishing in federal waters off the coast of Alaska.

The legislation, approved 395-21, would add seats for Oregon and Washington to the North Pacific Fisheries Management Council. Much to the consternation of Alaska fishermen and Gov. Steve Cowper, the legislation was supported by state's lone congressman, Republican Rep. Don Young.

Young led Republican support for the bill.

"We are real disappointed," said Kate Graham, executive director of United Fishermen of Alaska. "This is totally unacceptable. We are real sorry to see that Rep. Young spoke and voted in favor of this bill."

Cowper issued a statement late Tuesday calling the fight over the council seats "a blatant attempt by Washington factory trawlers

to seize control of the council."

"If the factory trawlers can unduly influence the process, we'll see fisheries conservation take a back seat to special economic interests," the governor said.

The House action would expand the council's membership from 11 to 13. Alaska would continue to have six seats. The two North West states would each pick up one seat, giving Washington a total of four and Oregon two.

The tie-breaker seat would be held by the National Marine Fisheries Service.

The House action came on legislation reauthorizing the Fisheries Conservation and Management Act. Another key provision of the bill calls for U.S. negotiations to ban the use of environmentally destructive driftnets by fishing nations.

While Alaska fishermen uniformly support banning driftnet use in international waters, the key issue for them was the expansion of the council seats. The pres-

sure to give Oregon and Washington more say on the council was widely attributed to the Seattle-based factory trawler fleet that is fast expanding its operations in the North Pacific Ocean.

The bill was supported by Washington's congressional delegation, who saw the council's expansion as a fairness issue.

"Industry members based in Washington and Oregon comprise approximately 75 percent of the harvesting and processing capacity in the North Pacific," said Rep. Jolene Unsoeld, D-Wash. "The present composition of the managing council precludes adequate representation on the council for significant segments of the Northwest fishing industry."

United Fishermen of Alaska had urged Young not to allow the bill to leave the House without "registering the serious objections you feel."

Young acknowledged that he had received "correspondence" from Alaska fishermen but said it would be

inappropriate to press for withholding House action because of their concerns.

"I understand the frustrations of United Fishermen of Alaska," Young said. But he said their concerns would

hopefully be worked out when the bill reaches the Senate.

Young's vigorous defense of the bill is in stark contrast to that of Alaska Sen. Ted Stevens, who late last

year threw down his marker by introducing a legislation that not only would ban factory trawlers from the Gulf of Alaska but would create a preference for state shore-side processors.

# NEWS RELEASE

STATE OF ALASKA

OFFICE OF THE GOVERNOR  
P.O. BOX A  
JUNEAU, ALASKA 99811

STEVE COWPER,  
GOVERNOR



FOR INFORMATION CONTACT:

DAVID RAMSEUR  
PRESS SECRETARY

TERENCE O'MALLEY  
DEPUTY PRESS SECRETARY

(907) 465-3500

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FOR IMMEDIATE RELEASE

Feb. 6, 1990

No 90-23

## COWPER PROTESTS ACTION TO EXPAND NORTH PACIFIC COUNCIL

JUNEAU--Gov. Steve Cowper today expressed strong opposition to the U.S. House of Representatives passing a bill that adds non-Alaskan seats to the North Pacific Fishery Management Council (NPFMC).

"As I've said before, this is nothing more than a blatant attempt by Washington factory trawlers to seize control of the council," Cowper said. "If the factory trawlers can unduly influence the process, we'll see fisheries conservation take a back seat to special economic interests."

At issue is an amendment to the Magnuson Act that would add at least one more voting member from the Pacific Northwest to the NPFMC. The Council is one of eight regional councils around the country that set management measures for fisheries out to 200 miles in the U.S. exclusive economic zone. The NPFMC, with representatives from Alaska, Washington and Oregon, manages waters off Alaska and it is expected that any new seats to the Council would represent the interest of factory trawlers, who have lobbied heavily in favor of the measure.

Gov. Cowper has consistently opposed adding new seats to the council, especially in light of the poor fisheries conservation track record of factory trawlers. Last Spring, factory trawlers stripped the roe out of up to 40,000 metric tons of pollock in the Gulf of Alaska so that the entire quota was used up by March 23, leaving shore plants in Kodiak with no pollock for the rest of the year.

Conservation measures that would correct problems posed by roe-stripping and the bycatch of fish species have been resisted consistently by factory trawlers.

MORE

"This tremendous waste of Alaska's fisheries is an abuse of our natural resources," Cowper said. "We've consistently told Congress that we would rather not see reauthorization of the Magnuson Act than add seats to the Council that will undermine fisheries conservation.

"The Council's got a tough enough job finding the middle ground among everyone who wants to fish off Alaska and they've been doing very well. But if this bill becomes law, we'll have some real problems assuring there are enough fish to go around."

The Cowper Administration will continue to work to defeat this legislation in the Senate where there have already been several hearings on the reauthorization of the Magnuson Act. However, the committee with jurisdiction over the bill has taken no action to amend the Senate version, and no action is expected in the near future.

# NEWS RELEASE

STATE OF ALASKA

OFFICE OF THE GOVERNOR  
P.O. BOX A  
JUNEAU, ALASKA 99811

STEVE COWPER,  
GOVERNOR



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FOR IMMEDIATE RELEASE  
Oct. 5, 1989  
No. 89-164

## COWPER BLASTS ADDITION OF OUTSIDE SEATS TO FISHERIES COUNCIL

ANCHORAGE--Gov. Steve Cowper issued the following statement in response to today's U.S. House committee vote to add two seats to the North Pacific Fishery Management Council, which manages fishing in the North Pacific.

"Unfortunately, it appears as though the committee got snookered by procedural arguments when the real issue is what's best for the resource," Cowper said. "This is nothing more than a blatant attempt by factory trawlers to overrun the existing process. The worst part is the factory trawlers have a long history of wasting fish, and that abuse comes directly out of the wallets of Alaska fishermen."

"We fought hard against this vote and we're going to fight this all the way to the president. We're not going to let a well-financed special interest roll Alaskans."

The House Merchant Marine and Fisheries Committee, by a voice vote today, approved an additional seat each for Washington and Oregon on the Council, which manages fisheries out to 200 miles in the U.S. exclusive economic zone off Alaska. Cowper had lobbied against the addition of the seats, which was promoted by Washington state members of Congress.

The Governor noted that this spring the Washington- and Oregon-based factory trawlers stripped row out of up to 40,000 metric tons of pollock in the Gulf and tossed the meat overboard. As a result, the entire quota was used up by March 23, leaving shore plants in Kodiak with no pollock for the rest of the year.

The issue next moves to the House floor. The U.S. Senate is considering its own reauthorization of the so-called Magnuson Fishery Conservation and Management Act, which contains the amendments for the additional seats.