

HJR

43

CS FOR HOUSE JOINT RESOLUTION NO. 43(FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:

Referred:

Sponsors: HOUSE SPECIAL COMMITTEE ON FISHERIES

A RESOLUTION

1 Relating to commercial fishing and subsistence use in Glacier Bay National Park.

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

3 WHEREAS the National Park Service is currently addressing the issue of subsistence
4 use and commercial fishing in Glacier Bay National Park (Park) and is considering the status
5 of subsistence use and commercial fishing in the park; and

6 WHEREAS subsistence use and commercial fishing have occurred in the Park since
7 before it was established as a national monument in 1925 up to the present day; and

8 WHEREAS the National Park Service currently does not recognize the right of
9 residents of Hoonah and other local communities to use the area now included in the Park for
10 subsistence use, as their ancestors had done for generations; and

11 WHEREAS the prohibition of subsistence use and commercial fishing in the Park
12 would have disastrous and widespread economic, environmental, and social consequences for
13 the fishermen of Southeast Alaska and the communities in which they reside; and

14 WHEREAS the continued subsistence and commercial use of fisheries resources
15 within the navigable waters of the Park are desirable and are environmentally compatible with
16 the purposes of the Park; and

17 WHEREAS the harvest of fisheries resources in the Park is conservatively managed

1 by the Alaska Board of Fisheries and the Alaska Department of Fish and Game to promote
2 the sustained health of the fish stocks; and

3 WHEREAS migratory species of fish that do not originate in the Park constitute the
4 majority of the fish harvested within the Park; a portion of the salmon harvested in the Park
5 is the result of salmon enhancement and rehabilitation efforts by the State of Alaska and
6 private nonprofit aquaculture associations; and

7 WHEREAS the National Park Service must administer the Park subject to existing
8 rights, statutes, and regulations; and

9 WHEREAS National Park Service regulations specifically provide for commercial
10 sport fishing activities and for the use of large tour ships within the Park; and

11 WHEREAS the State of Alaska has a claim to ownership of the submerged lands and
12 navigable waters of the Park; and

13 WHEREAS the State of Alaska exercises management authority over fishery resources
14 of the Park; and

15 WHEREAS issues relating to state and federal jurisdiction in the Park have not been
16 resolved; and

17 WHEREAS subsistence use and commercial fishing in the Park do not threaten Park
18 resources, visitor enjoyment of Park resources, or whale habitat in the Park;

19 BE IT RESOLVED that the Alaska State Legislature respectfully requests the
20 National Park Service to work with the state, other federal agencies, and affected parties to
21 study the resources in Glacier Bay National Park and the effect of sport and commercial
22 fishing, subsistence use, and tourism on these resources; and be it

23 FURTHER RESOLVED that the National Park Service, if it promulgates regulations,

24 (1) authorize continued commercial fishing under the laws of the State of
25 Alaska within the marine waters of Glacier Bay National Park; and

26 (2) expressly provide for subsistence uses in the Park.

27 COPIES of this resolution shall be sent to the Honorable Bill Clinton, President of the
28 United States; the Honorable Bruce Babbitt, Secretary of the U.S. Department of the Interior;
29 Roger G. Kennedy, Director, National Park Service, U.S. Department of the Interior, Robert
30 Barbee, Alaska Regional Director, National Park Service, U.S. Department of the Interior; and
31 to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the

1 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 43

Revision Date: _____ Dept. Affect: Fish and Game
 Title: Commercial and Subsistence Fishing in BRU: CFMD
Glacier Bay National Park Component: Fisheries Management
 Sponsor: House Special Committee on Fisheries
 Requester: House Special Committee on Fisheries COMPONENT SERIAL NO. 1941

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
004 GF	0.0	0.0	0.0	0.0	0.0	0.0
005 GF Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
006 GF IMNTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

FULL-TIME	01	01	01	01	01	0
PART-TIME	01	01	01	01	01	0
TEMPORARY	01	01	01	01	01	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Bob Clardy Phone: 465-4210
 Division: CFMD Date: 4/14/95
 Approved by Commissioner: [Signature] Date: 4-19-95
 Agency: Fish and Game

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill Number: HJR 43

Sponsor: House Special Committee on Fisheries

Bill Title: Commercial and Subsistence Fishing in Glacier Bay National Park

Department Position: Support

Background / Legislative Intent

Subsistence hunting, fishing, and gathering has taken place within the present boundaries of Glacier Bay National Park since the earliest human habitation in the Icy Straits area. Commercial fishing has taken place continuously in and near what is now Glacier Bay National Park since at least the turn of the century. In recent years, the NPS has put forth regulations denying subsistence harvests in the park. This ban is strongly contested by local residents of Hoonah, many of whom continue to harvest in the park. NPS has proposed phasing out all commercial fishing from waters under its jurisdiction. They maintain that such uses are not compatible with the park, and they have concerns about conservation of harvested species and stocks. Fishermen and the state maintain that those uses are compatible, particularly in non-wilderness areas, and that the state can maintain populations at healthy levels. The state and fishing interests are also willing to collaborate on fisheries research in the park. Elimination of commercial fishing would have detrimental effects on the economies of the communities neighboring the park (Pelican, Elfin Cove, Hoonah, and Gustavus) as well as larger impact on noncommercial fishing in the region. Closing commercial fishing in the park would concentrate the fishing fleet in areas already fully exploited and result in some portion of the harvestable fishery surplus not being taken.

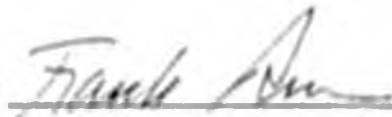
Analysis of Bill/Program Effects

This bill a) requests National Park Service to work with the state, other federal agencies, and interested parties to study the resources of Glacier Bay National Park and the effect of sport and commercial fishing, subsistence use, and tourism on these uses and b) resolves that National Park Service expeditiously amend its regulations to 1) allow commercial fishing under state law within the nonwilderness areas of the park and 2) expressly provide for subsistence uses in the Park. The whereas sections of the bill review past uses of Glacier Bay, recognize Hoonah and other communities' subsistence use, describe the management situation in Glacier Bay, and refers to key State of Alaska positions on use of Glacier Bay.

ADFG has consistently supported the right of both subsistence and commercial fishers to continue to use the waters of Glacier Bay. ADFG has not accepted a ban on fishing in wilderness waters. The department has provided documentation on subsistence and other harvests in the bay. The department has worked with affected interests to achieve a legislative solution to these issues, to no avail.

The proposed resolution would have no direct effect on the programs of either the Subsistence or CFMD divisions.

Commissioner's Signature

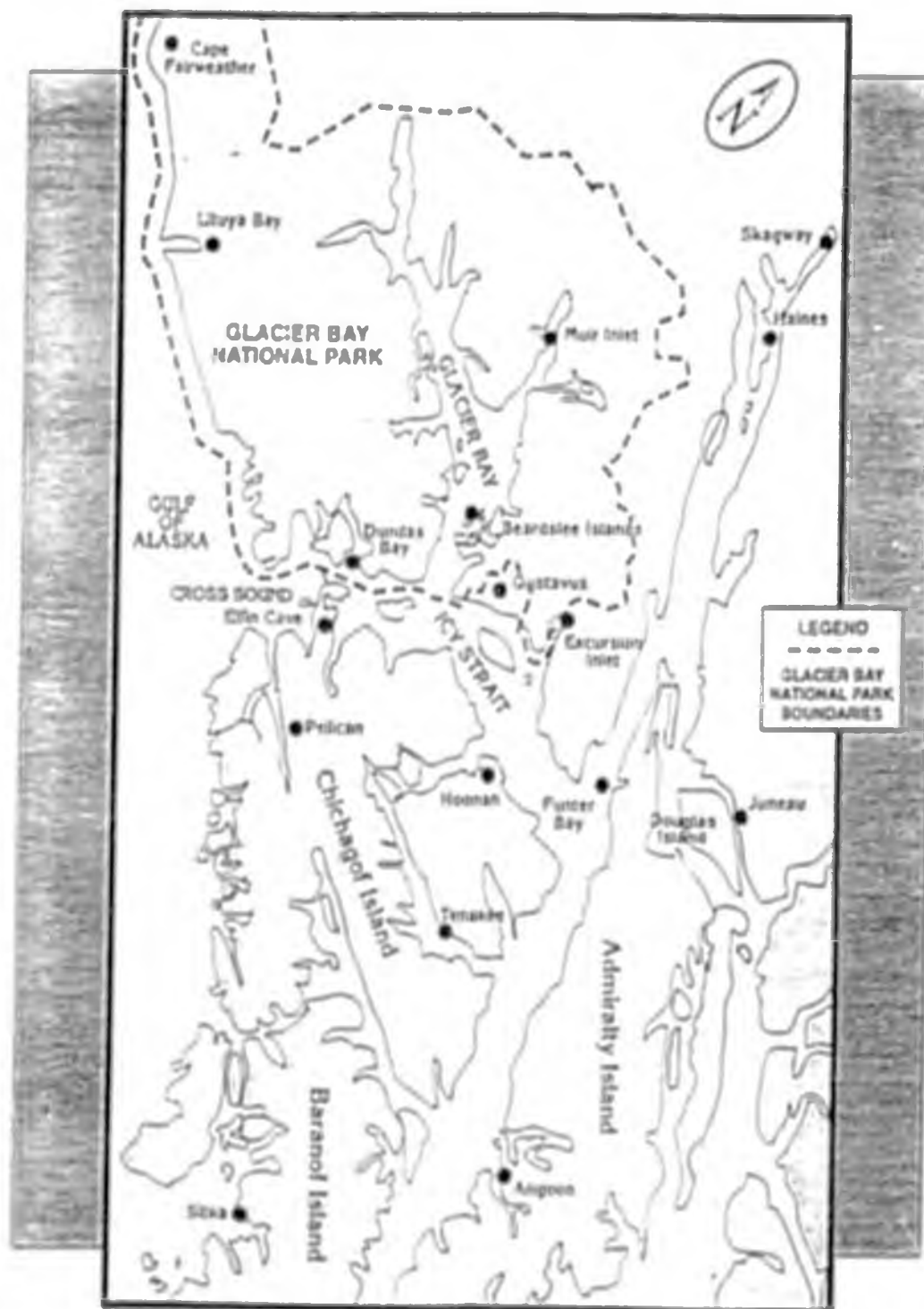


Date

4-19-95

GLACIER BAY NATIONAL PARK

A LEGACY OF USE



Glacier Bay National Park encompasses a vast area comparable in size to the state of Connecticut, and incorporates more than half a million marine acres of the most productive fishing grounds in southeast Alaska. The park extends from ExcurSION Inlet to the east of Glacier Bay, to just north of Cape Fairweather on the outer coast, and includes all waters to three miles offshore.

HISTORY

100 years ago, advancing glaciers displaced several Tlingit clans from their ancestral homeland, Glacier Bay. The Tlingits settled the village of Huna (Hoonah) to the south but continued to travel to Glacier Bay to hunt, fish, and gather food. Today, many descendants of the original people of Glacier Bay conduct both subsistence and commercial fisheries in Glacier Bay National Park (GBNP).



Shaded area represents GBNP. The Park spans 500,000 marine acres.

Commercial fishing has occurred in the area waters for well over a century. A remote and bountiful region, northern Southeast Alaska has supported several generations of Alaskan fishermen. Bound to GBNP by proximity and need, the area residents have grown heavily reliant upon its resources. Hoonah is now just one of many rural villages whose people look to the Park for sustenance.

In 1925, Glacier Bay was declared a national monument by presidential proclamation. In 1980 it was declared a national park with the signing of the Alaska National Interest Lands Conservation Act (ANILCA), and some areas were designated wilderness. In 1925, and again in 1980, the federal government promised commercial and subsistence fishermen continued access to their historic fishing grounds. In 1983, the National Park Service (NPS) promulgated regulations prohibiting commercial fishing in national parks. However, the NPS chose not to enforce this policy in GBNP, and now

LAWSUIT

The Alaska Wildlife Alliance (Anchorage), and American Wildlands (Englewood, Colorado), filed suit against the NPS in 1990, demanding an end to subsistence activities and commercial fishing in GBNP. The NPS subsequently proposed regulations that would halt subsistence use immediately and phase-out commercial fishing by 1997. The NPS also proposed a seven-year study to determine the impact of commercial fishing on the Park.

PROPOSED PHASE-OUT

The NPS claims that seven years will give GBNP fishermen enough time to amortize their equipment or move to other fishing grounds. This is absurd. It is no simple matter for a fisherman to relocate. Commercial fishing involves more than tossing some gear overboard and hauling in a harvest. Learning new fishing grounds, at minimum, involves a long period of adjustment, and the potential for conflicts with existing users is high. Closure of such a vast area would mean extensive crowding of other fishing grounds, short-term losses for fishermen, and a long-term loss of economic efficiency for the fleet as a whole.

There are few employment alternatives for fishermen who may be displaced from Glacier Bay. However, it's not just fishermen who would suffer, but the industries and communities that support the fleet.

COMMUNITY IMPACT

Banning commercial fishing in GBNP would directly impact such communities as Angoon, Sitka, Yakutat, Tenakee, Funter Bay, Gustavus, Pelican, Juneau, Douglas, Elfin Cove, and Hoonah, by depressing economies and disrupting the traditional lifestyles of the local people.

These towns have a combined population base of about 38,000 people, or 6% of Alaska's population, many of whom are dependent on the seafood industry. A recent study by Sealaska Corporation estimates the annual value of the Glacier Bay fisheries at \$10.5 million.

In Pelican, a village of 300, fishing is the primary revenue generator. Most residents of Pelican are fishermen. The local processing plant is the single largest employer and contributes heavily to the economic health of the community through local taxes and the employment of roughly 100 people. The GBNP crab harvest alone accounts for as much as 20% of all seafood processed in Pelican each year. To close or heavily restrict any of the Park's commercial fisheries would be financially devastating to Pelican's processing plant and, in turn, the city of Pelican.

The annual value of the Glacier Bay fisheries is an estimated \$10.5 million.

Each year, about 40 workers are employed to process the commercial catch landed in Hoonah. In Elfin Cove, all of the residents rely on fishing, either directly or indirectly, for their livelihoods. Processors in Sitka and Yakutat create jobs for more than 300 people. And, a number of small processors provide much needed employment opportunities for Juneau and Gustavus residents.

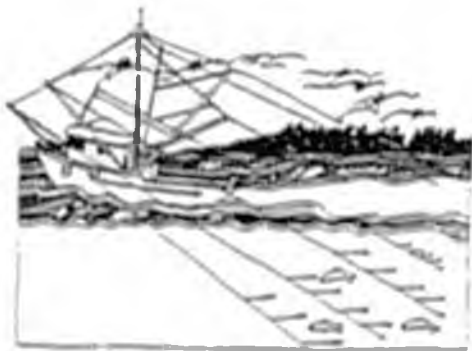
PARK RESOURCES

There is no evidence to suggest that fishing poses a threat to the Park resources. In fact, area fisheries stocks are returning at record high levels!

Most of the species targeted by fishermen in the Park are not native to Glacier Bay or the surrounding waters. There are no chinook salmon spawning streams in Glacier Bay, and halibut spawn in deep water far offshore. Some crab stocks may spawn within GBNP. However, crab larva are broadly distributed by water currents making it difficult to trace the origin of stocks caught in park waters.

In addition, many of the salmon harvested in the park are produced by southeast Alaska hatcheries, which are funded, in large part, by commercial fishermen.

Most fisheries do not coincide with the migration of humpback whales through GBNP, and fishermen do not harvest species that humpbacks feed on. Furthermore, studies conducted by the National Marine Fisheries Service (NMFS) show that local fishing vessel operations do not harm whales or alter their behavior. In fact, the data indicates that feeding humpback whales "apparently largely ignore the slowly moving vessels."



PARK VALUES

National Parks tout such values as healthy habitat, robust populations of fish and wildlife, and opportunities for recreation and solitude. Fishing has been an integral part of the cultural fabric of Glacier Bay for more than 100 years, and each of these "values" has endured. Congress identified Glacier Bay as an area worthy of preserving for future generations due to its unique and diverse character. Fishermen not only recognize the importance of preserving this natural wonder, but are proud to be a part of it.

The commercial fisheries of GBNP are composed of hundreds of family operated businesses, and it is not unusual to find several generations of a family active in the industry. Many children of

It's difficult for fishermen to imagine they're at odds with Park values...

fishing families grow up on the boats, learning a skill as well as putting money into the bank for college. The fishing lifestyle provides many parents the opportunity to enjoy quality time on a daily basis with their youngsters. The families that our small rural communities are built upon are hard-working people who have no desire to move or collect unemployment or welfare. These families, their lifestyle, and their fisheries, which provide food for our nation and the world, are at risk. Not the Park or its values, and certainly not the visitors who tour the Park.

Commercial fishing enhances the visitor experience in GBNP. Curious tourists often approach fishermen in order to get a first hand look at their operations and a sense of this unique lifestyle. Many people report feeling "safer" knowing commercial fishermen are nearby, particularly in foul weather. Over the years, many park visitors have received crucial assistance from fishermen.

There is no denying that Alaska is different than the Lower 48. Natural resources are unparalleled, and lifestyles are inextricably linked to the health of the resource. Southeast fishermen take pains to protect and preserve the integrity of the resource upon which they depend, as proven by a documented record of activism. It is difficult for fishermen to imagine that they could be at odds with park values, as they see no difference between protecting the Park and their continued existence--one is simply not possible without the other.

OVERVIEW

- *Commercial fishing has occurred in southeast Alaska for more than 100 years and predates the declaration of Glacier Bay as a National Monument (1925) and a National Park (1980).*
- *Glacier Bay National Park encompasses 500,000 marine acres, and commercial fisheries are conducted in most Park waters.*
- *The traditional fisheries of GBNP are particularly important to nearby fishing communities whose subsistence users, commercial fishermen, and processors depend on harvest from GBNP.*
- *The commercial fisheries which are conducted within GBNP waters are trolling, longlining, crabbing, and seining.*
- *Principal harvest species include salmon, halibut, and crab.*
- *There is no evidence to suggest commercial fishing harms the ecosystem within GBNP. Populations of salmon, halibut, and crab harvested in these waters have remained stable and healthy under current management practices. The marine environment is pristine.*
- *Residents of northern southeast Alaskan communities fish 678 troll permits, 39 seine permits, and 195 halibut licenses.*
- *GBNP fisheries contribute an estimated \$10.5 million annually to the southeast economy.*
- *In 1986, approximately 2 million pounds of seafood were harvested from GBNP waters.*
- *An average of 500,000 pounds of halibut are harvested annually in GBNP.*
- *In 1986, seiners harvested an estimated 260,000 chum salmon in Excursion Inlet.*
- *The estimated ex-vessel value for all troll-caught salmon from GBNP in 1986 was nearly \$1 million. The halibut harvest garnered an additional 600K for Southeast residents.*
- *In 1986, the gross value of dungeness crab harvested in Park waters was \$447,700. The value to the eight small vessels fishing in Glacier Bay proper was \$200,000, or about \$25,000 per boat.*

Support the fishermen of Glacier Bay National Park... Southeast depends on them!



SENATE COMMITTEE REPORT

DATE: 4/22/95

FURTHER:

DATE TURNED INTO OFFICE: 5-3-95

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 43(FSH)
 Relating to commercial fishing and subsistence use in Glacier Bay National Park.

and recommends:

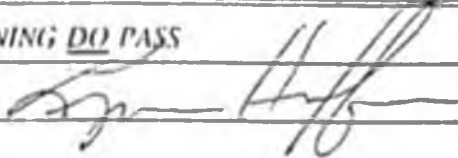

- | be replaced with _____ CS _____ (_____)
- | adopt previous _____ CS _____ (_____)
- | attached amendment(s)
- | adopt Letter of Intent by _____ Committee
- | further referral to the _____ Committee

Senate Bill:

same title
 new title

House Bill:

same title
 technical change
 new: SCR* _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
	✓	 Peace			
CHAIR: 	✓				

NEW FISCAL NOTE(S):

Department	Date	Zcm	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zcm	Fiscal
F+G	4/20	✓	

| APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill



Alaska State Legislature

House of Representatives
Special Committee on Fisheries

HJR 43 SPONSOR STATEMENT

"FISHING AND SUBSISTENCE IN GLACIER BAY"

This resolution has been introduced by the House Special Committee on Fisheries in response to concerns expressed by Southeast commercial fishermen and subsistence users.

Glacier Bay has been a National Monument since 1925. Congress created the Glacier Bay National Park as part of ANILCA in 1980. In 1990, environmental groups sued the National Park Service for, among other things, allowing commercial and subsistence fishing within Glacier Bay National Park. In 1991 the National Park Service promulgated draft regulations that would phase out commercial fishing in and around Glacier Bay within seven years, and completely prohibit subsistence fishing.

Last year, a federal judge ruled that ANILCA did not prohibit commercial fishing in Glacier Bay National Park, but that ruling has since been appealed to the Ninth Circuit Court of Appeals.

Elimination of the commercial and subsistence fisheries in the vast area contained in the Glacier Bay National Park would significantly harm the coastal communities of Northern Southeast. Both fisheries have utilized this area long before park designation. Also, if the area were closed to commercial fishing, other fisheries in Southeast would be harmed from increased pressure by those fishermen displaced by a closure of Glacier Bay waters.

STATE OF ALASKA

THE LEGISLATURE

1990

Source

(SHR 72 Res)

Legislative
Resolve No.

39



Relating to subsistence use and commercial fishing in Glacier Bay National Park.

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

WHEREAS the National Park Service is currently addressing the issue of subsistence use and commercial fishing in Glacier Bay National Park (Park) and is considering the status of subsistence use and commercial fishing in the park; and

WHEREAS subsistence use and commercial fishing have occurred in the Park since before it was established as a national monument in 1925 up to the present day; and

WHEREAS the National Park Service currently does not recognize the right of residents of Hoonah and other local communities to use the area now included in the Park for subsistence use, as their ancestors had done for generations; and

WHEREAS the prohibition of subsistence use and commercial fishing in the Park would have disastrous and widespread economic and social consequences for fishers of northern Southeast Alaska and the communities in which they reside; and

WHEREAS the continued subsistence and commercial use of fisheries resources within the navigable waters of the Park is desirable and is environmentally compatible with the purposes of the Park; and

WHEREAS the harvest of fisheries resources in the Park is conservatively managed by the Alaska Board of Fisheries and the Alaska Department of Fish and Game to promote the sustained health of the fish stocks; and

WHEREAS migratory species of fish that do not originate in the Park constitute the majority of the fish harvested within the

Park; a significant portion of the salmon harvested in the Park is the result of salmon enhancement and rehabilitation efforts by the State of Alaska, private nonprofit aquaculture associations, and hatcheries in Washington, Oregon, and British Columbia; and

WHEREAS the National Park Service must administer the Park subject to existing rights, statutes, and regulations; and

WHEREAS National Park Service regulations specifically provide for commercial sport fishing activities and for the use of large tour ships within the Park; and

WHEREAS the State of Alaska has a claim to ownership of the submerged lands and navigable waters of the Park; and

WHEREAS the State of Alaska exercises management authority over natural resources of the Park, provided that the state does not interfere with the purposes for which the Park and wilderness areas within the Park were established; and

WHEREAS issues relating to state and federal jurisdiction in the Park have not been resolved; and

WHEREAS subsistence use and commercial fishing in the Park do not threaten Park resources, visitor enjoyment of Park resources, or whale habitat in the Park;

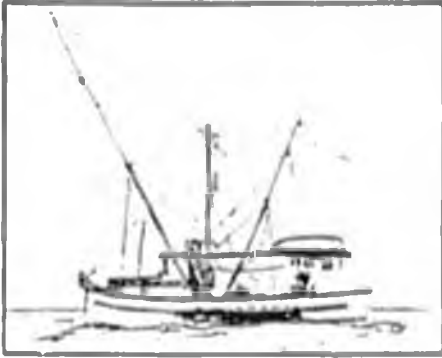
BE IT RESOLVED that the Alaska State Legislature respectfully requests the National Park Service to work with the state, other federal agencies, and affected parties to study the resources in Glacier Bay National Park and the effect of subsistence use, sport and commercial fishing, and tourism on these resources; and be it

FURTHER RESOLVED that the National Park Service proceed expeditiously to amend its regulations in order to

(1) allow commercial fishing under the laws of the State of Alaska within the nonwilderness areas of the park; and

(2) expressly provide for subsistence uses in the Park.

COPIES of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Manuel Lujan, Jr., Secretary of the U.S. Department of the Interior; James M. Ridenour, Director, National Park Service, U.S. Department of the Interior; Boyd Evison, Alaska Regional Director, National Park Service, U.S. Department of the Interior; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.



Alaska Trollers Association

130 Seward St., No. 505
Juneau, Alaska 99801
907) 586-9400
907) 586-4473 Fax

March 22, 1995

Representative Alan Austerman
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99811

Dear Representative Austerman:

The Alaska Trollers Association (ATA) requests your assistance on an issue of critical concern to commercial and subsistence fishermen in Southeast Alaska.

In 1925, Glacier Bay was designated a National Monument. In 1979, Glacier Bay and the surrounding area became a National Park. Fishermen supported both designations, because they were promised that all traditional commercial and subsistence activity would continue.

In 1990, the Alaska Wildlife Alliance (AWA) and American Wildlands sued the National Park Service for allowing subsistence and commercial fishing, which they believe is illegal under ANILCA. The judge ruled against AWA last year and the case has been appealed to the Ninth Circuit court.

Also in 1990, the National Park Service made public draft regulations that would immediately stop subsistence fishing and phase out commercial fishing within seven years in Glacier Bay National Park (Park). In response to the NPS draft regulations, the Alaska legislature passed the attached resolution opposing restrictions on Park fisheries. Final regulations are due out any time.

In past years, Representative Don Young and Senator Frank Murkowski have each submitted legislation to secure fisheries in the Park. They have not submitted bills this session.

RECEIVED
MAR 25 1995
1:34.....

Alaska Trollers Association
Glacier Bay National Park
Page 2

In order to reaffirm the legislature's support of Park fisheries, ATA requests that you develop a resolution similar to that passed by the legislature in 1990.

Your assistance on this matter will be greatly appreciated. I look forward to your response and hope you won't hesitate to call if I can provide additional information.

Sincerely,

A handwritten signature in cursive script that reads "Dale A. Kelley". The signature is written in dark ink and is positioned above the typed name and title.

Dale A. Kelley
Executive Director