

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9730 SENATE RULES

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This resolution promotes modification of existing regulations under the authority of the NPFMC to allow the creation of special areas, methods and means and bag limits to provide ample opportunity for Alaskans to harvest halibut for personal consumption. This resolution does not favor the creation of a new fishery which violates the basic principles in Alaska's Constitution regarding common use and access to Alaska's resources. This resolution opposes the NPFMC adoption allocation regulations based on race or residency.

This resolution also expresses grave concern that this unilateral action by the Council could result in further erosion of Alaska's jurisdictional authority by expanding an already contested federal preemption effort embodied in Title VIII of ANILCA. Particular concern is expressed over the possible creation of a new commercial fishery under the guise of subsistence harvesting -- one of the options being considered by the Council.

We contend that the Council can accommodate special area needs for regulatory exceptions without dismantling the existing allocation framework and without creating a new fishery.

Halibut Subsistence

As a result of increased IFQ and CDQ enforcement efforts in coastal communities, Native Alaskans requested that the Council take action to allow for the legal harvest of halibut for subsistence. In December 1996, the Council appointed a Halibut Subsistence Committee to provide recommendations to the Council. In February 1997, the Council received the report of the committee and initiated a regulatory amendment that would include the following management options for analysis. Revised regulations likely would be implemented in 1998.

OPTION 1. Define subsistence.

Halibut subsistence regulations are needed to allow the continued practice of long-term customary and traditional practices of fishing halibut for food for families in a non-commercial manner for non-economic consumption. Subsistence is defined as 'non-commercial fishing for food.'

OPTION 2. Define eligibility for halibut subsistence:

Suboption A. Members of Native Federally-recognized Tribes with customary and traditional use of halibut. (Subsistence Committee definition)

Suboption B. Alaska rural residents as defined in ANILCA and identified in the table entitled 'Alaska Rural Places and Native Groups with Subsistence Halibut Uses,' and will also include other communities for which customary and traditional findings are developed in the future. (ANILCA definition)

Suboption C. Tribal members and non-Native permanent residents of Native villages who have legitimate subsistence needs. (Migratory Bird Treaty Act definition)

OPTION 3. Define legal gear.

Legal halibut subsistence gear is defined as (1) hook-and-line gear (including set and hand-held gear) with a range of 10 hooks, 30 hooks, and 60 hooks and (2) rod-and-reel gear. An individual would be limited to one skate of gear up to 1,800 ft long (not including the buoy line), with hooks set 18-20 ft apart, with a legibly marked buoy.

Suboption. Allow Tribal governments to contract with NMFS to register designated fishermen to fish for the community using:
A. 1 - 3 skates of gear, up to 60 hooks each
B. any gear type

OPTION 4. Define minimum size.

Suboption A. No minimum size be imposed for subsistence harvests of halibut.

Suboption B. Revise the commercial halibut minimum size regulations to allow the retention of halibut under 32 inches caught with authorized commercial halibut gear in Area 4E for subsistence use.

OPTION 5. Allow the customary and traditional trade of subsistence halibut.

Suboption A. Allow the customary and traditional trade of subsistence caught halibut.

Suboption B Allow the barter of subsistence caught halibut, limited to an annual amount. (1) \$200; (2) \$400, or (3) \$600

Allow low monetary, non-commercial sale of halibut to legalize current practice of compensating subsistence fishermen for fuel or other fishing expenses in exchange for fish. The analysis would define 'barter,' 'non-commercial,' 'low monetary value,' and 'customary trade' and analyze the enforcement and monitoring costs of allowing barter.

OPTION 6. Sale of subsistence halibut

Suboption A. Allow the commercial sale of subsistence-caught halibut.

Suboption B. Prohibit the commercial sale of subsistence-caught halibut

OPTION 7. Collect subsistence harvest estimates through cooperative agreements with Tribal, State, and Federal governments.

Staff contact is Jane DiCosimo.

Halibut Charter Boat Management

The Council reviewed a draft analysis of management alternatives for the guided halibut sport fishery (charter boats, lodges, and outfitters) prepared by Council staff and the University of Alaska's Institute for Social and Economic Research (ISER). After reviewing the draft analysis, and hearing testimony from charter boat representatives and other industry members, the Council directed staff to conduct further analysis and bring the document back for review at the April meeting in Anchorage. A final decision has been postponed until the June meeting in Kodiak. The primary alternatives being considered by the Council remain: (1) status quo - no action; (2) implementation of a system of recordkeeping and reporting for the charter fleet; (3) a moratorium on further entry into the charter fishery; (4) a cap on the amount of halibut allocated to the guided sport fishery, either state-wide or by more specific management areas (an explicit percentage allocation of the quota between guided sport and commercial halibut fisheries, with the option for IFQ purchase by the charter vessels in the event of a fishery closure); and, (5) any combination of the alternatives listed above.

Between now and April, further analysis of these alternatives will be performed, with attention to the following items identified by the Council:

1. Evaluation of the changes in non-guided catches of halibut and the potential impacts of guided and commercial catches on non-guided anglers as identified in the problem statement.
2. Additional model runs (allocation projections) based on a long-term average halibut biomass quota projection - this will be determined in consultation with IPHC staff.
3. A review of recreational fisheries managed under a cap and the experience of those fisheries with measures designed to extend seasons.
4. Inclusion of economic multipliers (input/output model) to evaluate the economic impact of commercial fishing beyond exvessel price to the end-user level.
5. Expansion of the discussion (as much as possible) of how the alternatives relate to Executive Order 12962 "Recreational Fisheries Considerations."

Alaska State Legislature

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March 26, 1997

Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Mr. Lauber:

The Alaska State Senate and House leadership have been recently appraised of the proposed North Pacific Fishery Management Council (NPFMC) halibut regulations which will be considered at your upcoming April meeting. The leadership of both the Alaska State Senate and House are extremely concerned about the regulatory options being presented for possible adoption.

From the perspective of the legislature, these proposed regulations are going to further polarize an already divided citizenry regarding special subsistence allocations or provisions. As you are undoubtedly aware, the Lt. Governor, the legislature and Alaska's Congressional delegation have been searching for ways to resolve the growing crisis situation evolving over the implementation of the federal subsistence priority on federal public lands. Alaska is now faced with potential federal preemption regulations over much of our state lands and waters, including state navigable waters. These regulations have sufficed to escalate the apprehensions of Alaskans and to increase tensions amongst Alaskans throughout the state.

It is clear that many aspects of the proposed halibut regulatory options were patterned after provisions in ANILCA, many of which have been identified as unacceptable and in need of change by both the legislature and the Lt. Governor. Alaskans have been united in their stand against racially described qualifying criteria for any allocation of Alaska's resources. There has also been strong public support for prohibiting any commercial sale of subsistence caught resources. Both of these controversial issues are at the heart of the proposed halibut subsistence regulatory options being presented by the Council.

We have a request for additional information and for permission to address the Council on this subject at its upcoming April meeting. It would be helpful if you or your legal counsel could provide us with answers to the following questions:

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Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

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1. Under what authority can the NPFMC, which is not identified in the Halibut Treaty, adopt the proposed regulatory options which are in conflict with our State's Constitution?
2. Under what authority can the Council adopt allocation criteria based on race which are in conflict with the State's Constitution?
3. Under what authority can the Council adopt allocation criteria based on residency?
4. If the Council has the authority to adopt these regulations for a halibut subsistence fishery, is it logical to presume that the Council could do the same thing for king crab, tanner crab, groundfish and some salmon species which are harvested primarily in the EEZ?
5. How and why would the Council consider adopting regulations in total conflict with Alaska's Constitution?
6. Is the Council aware that the adoption of these regulations will result in the inability of the State to assist in any enforcement of regulations which are in violation of the State Constitution?
7. Why didn't the Council consider additional option to include doing nothing?
8. Why didn't the Council consider an additional option under Option 2 to include eligibility for taking halibut under personal consumptive use regulations making it applicable to any Alaskan?
9. Why didn't the Council consider accommodating these type of uses through existing seasons, bag limit and methods and means adjustments rather than creating an entirely new fishery?
10. How will this new fisheries quota affect existing area allocations?

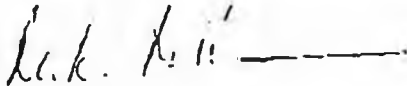
The leadership of the Senate and House would like to testify at the upcoming hearing in Anchorage. One of us will present testimony on behalf of the Senate and House majorities. It would be beneficial for us if we could schedule a specific time for that presentation so that we are not away from the legislature for a protracted period of time. Your assistance in scheduling an appropriate time for the Council would be appreciated.

We all encourage the Council to progress slowly and deliberately on this issue and not take any actions that would result in further social or resource use conflicts. Quite

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frankly, we would strongly urge the Council to delay the creation of any special subsistence regulations until Congress and the State have crafted a long term and permanent solution to the existing crisis. We are convinced that the adoption of any of the proposed options is only going to contribute to a further erosion of the state's fisheries management jurisdictions.

Sincerely,



Mike Miller
President of the Senate



Gail Phillips
Speaker of the House

MM/GP:rjs

cc: The Honorable Senator Ted Stevens
The Honorable Senator Frank Murkowski
The Honorable Representative Don Young
The Honorable Governor Tony Knowles

MEMO

Dt: 3/13/97
To: Senate/House Leadership
Fr: Ron Somerville *Ron*
Re: NPFMC Subsistence Halibut Proposals

The attached material includes a North Pacific Fisheries Management Council set of regulatory options for implementing a subsistence halibut fishery in Alaska and the Halibut Subsistence Committee's report to the Council.

The reason for bringing this to the attention of the leadership is to advise you of the expanding subsistence conflicts, despite the fact that Title VIII of ANILCA does not extend to federal waters beyond the state's territorial sea. In addition, this proposal will inevitably set in motion new procedures for creating new subsistence allocations and potentially the commercial sale of subsistence caught resources within the EEZ.

If the leadership wishes to express a position on this issue to the NPFMC, it needs to do that before the April meeting.

Problems:

1. There is questionable authority for the NPFMC to adopt a racially defined regulatory allocation system.
2. ANILCA subsistence provisions do not extend to federal waters in the EEZ.
3. It is questionable that the adoption of a halibut subsistence regime by the NPFMC will end the subsistence debate. Conceptually, this system will expand to cover all qualified subsistence users and subsistence resources.
4. Some of the data used to justify and identify this fishery are flawed and discriminate against the majority of Alaskans.
5. This creates the potential for the establishment of a commercial market of subsistence caught resources similar to that created in ANILCA.
6. If the Council can adopt this system for halibut, it only seems logical that similar systems can be created for tanner crab, king crab, groundfish and possibly some salmon.
7. At present, the state assists in the enforcement of halibut regulations through the state courts as the Board of Fisheries adopts the halibut regulations by

reference. The State Constitution, however, does not allow discrimination based on race, as is being proposed by the Council. This will create serious enforcement problems throughout the state coastal areas as NMFS enforcement abilities are severely limited.

8. The problems which led to these regulatory problems can more easily and less contentiously be handled by modifying existing regulations (i.e. retention of undersized commercially caught halibut for personal consumption and regulatory changes for specific areas allowing special seasons for specialized methods and means of harvesting for personal consumption).

Options:

1. Do nothing.
2. Support all or portions of the proposed subsistence proposal.
3. Oppose the creation of any subsistence halibut system based on race or residency.
4. Request that the NPFMC delay any creation of a new subsistence fishery until some resolution is reached on the conflicts between the federal government and the state over continued state management and potential changes to ANILCA.
5. Provide testimony for the April meeting of the NPFMC suggesting that the Council pursue regulatory changes which provide additional opportunities for harvesting and retaining halibut for personal consumption.

North Pacific Fishery Management Council

AK 1/4

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NEWSLETTER

2/18/97

Please, note our NEW home page address!

NPFMC — <http://www.fakr.noaa.gov/npfmc/npfmc.htm>

February Council Meeting in Anchorage - 126th Plenary Session

The Council's February meeting was kicked off by a joint meeting on February 4 with the Alaska Board of Fisheries. The Board and Council met to discuss groundfish and crab management issues in the waters off Alaska. Details of this and other issues are provided below.

Council and Board Ink Protocol

The Council and the Alaska Board of Fisheries have been seeking ways to keep each other informed on cross-jurisdictional issues that impact fisheries in State and Federal waters. In December, after a conference call concerning the Board's latest actions to initiate a State waters Pacific cod fishery in the Gulf of Alaska, both bodies decided it was time to establish a joint committee to develop a protocol for future interactions. The joint committee met in January and then presented their recommended protocol to both bodies. The Board approved it at their late January meeting, and the Council approved the protocol at their meeting last week, after discussions with the Board on Tuesday, February 4.

The protocol covers all fisheries where there are cross-jurisdictional concerns. The Board and Council will meet annually in Anchorage in February to cover all issues of mutual interest. In the meantime, a joint committee composed of three members from each body will meet more often, perhaps quarterly if necessary, to work through issues of mutual concern and keep each other posted on management initiatives by the other. They will also sift through management proposals to determine which might be of interest to the other body. The intent of the protocol is to provide long-term cooperative, compatible management systems that maintain the sustainability of the fisheries resources in State and Federal waters. A copy of the protocol is available at the Council office.

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REPORT
HALIBUT SUBSISTENCE COMMITTEE
 January 22, 1997

The Halibut Subsistence Committee met in Anchorage on January 22, 1997 to provide to the Council their recommendations for developing halibut subsistence regulations. Committee members Robin Samuelsen (Chairman), Harold Martin, Matt Kookesh, Robert Sundown, Flore Lekanoff, Jack Longan for Theodore Borbridge, Jude Henzler, and David Bill were in attendance. The meeting agenda and documents distributed at the meeting are attached to this report. The Council, IPHC, NOAA GC, NMFS, NMFS Enforcement, ADF&G, and Alaska Department of Law provided staff support.

Jane DiCosimo, Council staff, provided background as to the purpose and goal of the meeting. She related the findings of agency staff at their November 1996 meeting. At the December 1996 Council meeting, the Council indicated its intention to develop regulations to provide for halibut subsistence harvests during 1997 for effect in 1998.

Bob Wolfe, ADF&G Subsistence Division staff, distributed tables and figures of noncommercial halibut harvests by community and Native Group with subsistence halibut uses. The committee adopted the table of rural communities with customary and traditional use of halibut and associated Alaska Native group as developed by the Alaska Board of Fisheries for identifying eligible participants for halibut subsistence harvests. Those Native groups not on the approved list could petition for subsistence privileges.

Dr. Don McCaughran, IPHC staff, discussed a possible revision of the Halibut Convention to separate subsistence from sportfish regulations. He reported that discussions to renegotiate the treaty for other reasons were currently underway. At present, the treaty language does not specifically address subsistence harvests and subsistence users are restricted to sportfish limits of two fish per person per day and rod and reel gear with a limit of two hooks per reel. He also explained that the 32 inch minimum commercial size was imposed by the IPHC to maximize yield in weight and was not imposed for personal use since yield for that sector is maximized in numbers. **The committee recommended that the North Pacific Council encourage the State Department to petition the United States and Canada to amend the Halibut Convention to recognize subsistence rights for aboriginal users.**

The committee discussed the level of halibut removals for subsistence (approximately 300,000 lb) compared with bycatch removals from commercial fishing (approximately 15.5 million lb).

Steve Meyer, NMFS Enforcement, reported that he is required by law to enforce the current halibut commercial and sportfish regulations. The committee noted that the IPHC acknowledged that halibut subsistence harvests did not affect the conservation of the halibut resource. **The committee recommended that the National Marine Fisheries Service not enforce regulations prohibiting halibut subsistence harvests while the Council is developing subsistence regulations.**

The committee described the need and intent for halibut subsistence regulations to allow the continued practice of long-term traditions of fishing halibut for food for their families in a non-commercial manner for non-economic consumption, and defined subsistence as "non-commercial fishing for food."

The committee recommended that eligibility for halibut subsistence be defined as "members of Alaska Native Federally-recognized Tribes with customary and traditional use of halibut." The committee decided to accept as eligible those Tribes that were identified by the Alaska Board of Fisheries as having customary and traditional (CAT) halibut uses (Attachment 2). The Tribes are identified with a specific coastal community. The organized Tribal entity within a community would be responsible for deciding which individual members were eligible from Tribal enrollment. An individual's Tribal membership card and a subsistence permit would qualify.

that person to subsistence fish for halibut from the community in which he/she is enrolled. Using Tribal enrollment would also allow the community to allow members from other Tribes to join their community and fish. Those Tribes not on the BOF list, but with reasonable access to the fishery and that may have a tradition or need to harvest halibut for subsistence may petition for eligibility. The process and criteria for petitioning would be discussed further by the committee at a subsequent meeting.] x

The committee discussed a proposal to include "other rural residents in areas of Alaska with halibut uses." The committee discussed the opportunities for non-Tribal Alaskans to harvest halibut and concluded that the two fish per day sportfish limit would meet their needs for supplying their families with halibut for food. The determining factor in this conclusion was the stated need to recognize existing, traditional practice at current levels of halibut removals. The management plan for a halibut subsistence program should legalize the current halibut removals and fishing practices by Tribal members. Expansion of subsistence harvests to non-traditional users may create resource concerns within the IPHC regarding increased levels of halibut removals and localized depletion in some rural and urban communities.

The committee recommended that hook-and-line gear (including set and hand-held gear) with a maximum of 60 hooks, along with rod-and-reel gear be allowed as legal halibut subsistence gear. An individual would be limited to one skate of gear up to 1,800 ft long (not including the buoy line), with hooks set 18-20 ft apart, with a legibly marked buoy. More than one fisherman may fish from the same boat.] x

The committee recommended that no minimum size be imposed for subsistence harvests of halibut. The committee recognized that the levels of halibut subsistence removals, including fish less than 32 inches, compared with commercial and sportfish removals, are not a conservation concern to the IPHC. The committee further recommended that the commercial minimum size regulations be revised to read, "except in Area 4E where halibut under 32 inches caught with authorized commercial halibut gear may be retained for subsistence use." This minimum size exemption would allow for retention of undersized halibut with legal CDQ halibut harvests in Area 4E only, in accordance with local beliefs that releasing any fish is too damaging to the entire stock from which it came.] x

The committee discussed seasonal and bag limit restrictions for halibut subsistence, but deferred any recommendations to the Council on legal advice that the aforementioned restrictions are within the purview of the IPHC. Interest was expressed for a twelve month season in the Southeast and no bag limit.

The committee recommended that halibut subsistence users be allowed existing levels of bycatch. They recommended unlimited black cod bycatch, noting that there was a black cod subsistence fishery under State designation and that low levels of bycatch occurred in halibut subsistence fishing. They also recommended that halibut subsistence users be allowed to retain rockfish bycatch, and that the Council and State analyze appropriate bycatch levels.

The committee considered a suggestion that monitoring of halibut subsistence removals for stock assessment purposes could be best achieved through cooperative agreements between federal agencies and the Tribes] x

The committee discussed trade and barter of subsistence halibut and endorsed and recommended the sharing and exchange (barter) of halibut since this is a vital part of the traditional subsistence halibut fishery, but that the commercial sale of subsistence-caught halibut not be allowed. The committee further indicated an interest in allowing low monetary, non-commercial sale of halibut to legalize current practice of compensating subsistence fishermen for fuel or other fishing expenses in exchange for fish. The Council may wish to consider allowing trade and barter only among Native Tribal members, limiting the monetary exchange, or other limitations.

The committee expressed interest in continuing to meet to provide recommendations to the Council on the development of halibut subsistence regulations

Noncommercial Halibut Harvests (Lbs Rd Wt) by Residents of Alaska Rural Places in Areas with Subsistence Halibut Uses

Source: Household Surveys, Division of Subsistence, ADF&G

	<u>Halibut Coastal District</u>	<u>Survey Year</u>	<u>Removed from Commercial Gear</u>	<u>Other Non- Commercial Gear</u>	<u>Rod and Reel Gear</u>	<u>Gear Not Ascertained</u>	<u>Total Halibut Harvest</u>	<u>Estimated Per Capita Harvest</u>
District 2C								
Angoon	2C	1987	2,930	*	13,314		16,244	35
Coffman Cove	2C	1987	172	*	6,821		6,993	38
Craig	2C	1987	3,891	*	17,125		21,016	18
Edna Bay	2C	1987	1,760	*	4,060		5,820	84
Elfin Cove	2C	1987	956	*	1,513		2,470	41
Gustavus	2C	1987	552	*	12,133		12,685	83
Haines	2C	1987	5,809	*	26,190		31,999	20
Hollis	2C	1987	41	*	940		982	12
Hoonah	2C	1987	11,674	*	23,176		34,850	50
Hydaburg	2C	1987	4,127	*	7,929		12,056	32
Hyder	2C	1987	1,351	*	3,584		4,935	63
Kake	2C	1987	4,386	*	13,523		17,909	28
Kasaan	2C	1987	21	*	511		532	13
Klawock	2C	1987	1,265	*	31,955		33,220	42
Klukwan	2C	1987	0	*	193		193	1
Metlakatla	2C	1987	4,095	*	12,442		16,537	11
Meyers Chuck	2C	1987	0	*	3,075		3,075	103
Pelican	2C	1987	5,038	*	13,048		18,086	76
Petersturg	2C	1987	15,596	*	142,902		158,498	42
Point Baker	2C	1987	862	*	766		1,628	47
Port Alexander	2C	1987	708	*	3,695		4,402	41
Port Protection	2C	1987	505	*	2,252		2,757	47
Saxman	2C	1987	141	*	3,352		3,492	13
Sitka	2C	1987	16,418	*	240,708		257,126	32
Skagway	2C	1987	0	*	4,941		4,941	8
Tenakee Springs	2C	1987	608	*	5,257		5,865	52
Thome Bay	2C	1987	13,179	*	11,450		24,628	51
Whale Pass	2C	1987	106	*	1,325		1,431	23
Wrangell	2C	1987	13,963	*	58,600		72,563	25
TOTAL 2C	2C	"	110,156	*	666,779	0	776,934	31
			(Percent Gear)	14.2%	*	85.8%	0.0%	100.0%
			* in 2C, household surveys did not ask about "other non-commercial gear".					
District 3A								
Akhiok	3A	1992	41	1,845	32		1,918	24
Chenega Bay	3A	1992	469	1,973	2,154		4,596	68
Cordova	3A	1991	33,391	154	33,906		67,451	29
Karluk	3A	1990	0	3,273	1,073		4,346	53
Kodiak City	3A	1991	64,164	53,985	274,893		393,042	27
Larsen Bay	3A	1990	4,905	1,882	8,115		14,902	103
Nanwalek	3A	1991	0	1,954	5,856		7,810	48
Old Harbor	3A	1991	2,240	10,575	4,967		17,782	89
Ouzinkie	3A	1990	6,868	3,451	2,951		13,270	66

**Noncommercial Halibut Harvests (Lbs Rd Wt) by Residents of
Alaska Rural Places in Areas with Subsistence Halibut Uses**

Source: Household Surveys, Division of Subsistence, ADF&G

	<u>Halibut</u> <u>Coastal</u>	<u>Survey</u>	<u>Removed from</u>	<u>Other Non-</u>	<u>Rod and</u>	<u>Gear Not</u>	<u>Total Halibut</u>	<u>Estimated</u>
	<u>District</u>	<u>Year</u>	<u>Commercial</u>	<u>Commercial</u>	<u>Reel Gear</u>	<u>Ascertained</u>	<u>Harvest</u>	<u>Per Capita</u>
			<u>Gear</u>	<u>Gear</u>				<u>Harvest</u>
Port Graham	3A	1991	2,212	6,445	3,101		11,758	73
Port Lions	3A	1993	850	2,353	8,065		11,268	63
Seldovia	3A	1991	5,424	100	17,178		22,702	67
Tatitlek	3A	1991	92	852	1,613		2,557	31
Yakutat	3A	1987	3,031	*	29,844		32,875	56
TOTAL 3A	3A	**	123,687	88,842	393,749	0	606,278	32
			(Percent Gear)	20.4%	14.7%	64.9%	0.0%	100.0%
			* In Yakutat, household surveys did not ask about "other non-commercial gear".					
District 3B								
Chignik Bay	3B	1991	8,380	2,701	1,737		12,825	134
Chignik Lagoon	3B	1989	1,237	738	0		1,975	48
Chignik Lake	3B	1991	2,173	1,849	0		4,022	16
Cold Bay	3B	Est				5,920	5,920	
False Pass	3B	1988	1,971	403	1,137		3,511	27
Ivanof Bay	3B	1989	0	1,091	638		1,729	54
King Cove	3B	1992	7,685	1,696	454		9,835	18
Nelson Lagoon	3B	1987					0	0
Perryville	3B	1989	420	5,398	1,506		7,324	63
Sand Point	3B	1992	11,037	12,265	1,427		24,729	31
TOTAL 3B	3B	**	32,904	26,148	6,899	5,920	71,871	35
			(Percent Gear)	45.8%	36.4%	9.6%	8.2%	100.0%
District 4A-D								
Akutan	4A-D	1990	2,926	8,082	548		11,556	114
Atka	4A-D	1994	427	3,949	551		4,926	58
Nikolski	4A-D	1990	0	11,837	0		11,837	244
St. George	4A-D	1994	1,205	4,929	0		6,132	34
St. Paul	4A-D	1994	3,671	49,682	125		58,479	135
Unalaska	4A-D	1994	14,106	12,580	117,226		143,911	79
TOTAL 4A-D	4A-D	**	37,335	91,059	118,449	0	246,841	90
			(Percent Gear)	15.1%	36.9%	48.0%	0.0%	100.0%
District 4E								
Chefomak	4E	Est				12,800	12,800	40
Gambell	4E	**					**	
Mekoryak	4E	Est				7,080	7,080	40
Newtok	4E	Est				8,280	8,280	40
Nightmute	4E	Est				6,120	6,120	40
Savoonga	4E	**					**	
Toksook Bay	4E	Est				16,800	16,800	40
Tununak	4E	1986				40,754	40,754	124
Wales	4E	**					**	
Aleknagik	4E	**					**	
Clark's Point	4E	**					**	
Dillingham	4E	1984					0	0

**Noncommercial Halibut Harvests (Lbs Rd Wt) by Residents of
Alaska Rural Places in Areas with Subsistence Halibut Uses**

Source: Household Surveys, Division of Subsistence, ADF&G

	Halibut Coastal District	Survey Year	Removed from Commercial Gear	Other Non- Commercial Gear	Rod and Reel Gear	Gear Not Ascertained	Total Halibut Harvest	Estimated Per Capita Harvest
Egegik	4E	1984	0	0	286		286	3
King Salmon	4E	"					"	
Kipruk	4E	"					"	
Kongiganak	4E	"					"	
Levelock	4E	1989		528			528	5
Manokotak	4E	"					"	
Naknek	4E	"					"	
Nome	4E	"					"	
Pilot Point	4E	1987	229	0	70		299	5
Port Heiden	4E	1987	0	197	0		197	2
South Naknek	4E	1992	116	28	0		144	1
Alakanuk	4E	"					"	
Bethel	4E	"					"	
Brevig Mission	4E	"					"	
Chevak	4E	"					"	
Eek	4E	"					"	
Elim	4E	"					"	
Emmonak	4E	"					"	
Golovin	4E	"					"	
Goodnews Bay	4E	"					"	
Hooper Bay	4E	"					"	
Kotik	4E	"					"	
Koyuk	4E	"					"	
Kwigillingok	4E	"					"	
Napakiak	4E	"					"	
Napaskiak	4E	"					"	
Oscarville	4E	"					"	
Plainum	4E	"					"	
Quinnagak	4E	"					"	
Scammon Bay	4E	"					"	
Shaktolik	4E	"					"	
Sheldon Point	4E	"					"	
St. Michael	4E	"					"	
Stebbins	4E	"					"	
Teller	4E	"					"	
Togiak	4E	"					"	
Tuntutuliak	4E	"					"	
Twin Hills	4E	"					"	
Ugashik	4E	1987					0	0
Unalakleet	4E	"					"	
White Mountain	4E	"					"	
TOTAL 4E	4E	"	0	0	286	91,834	92,120	54
		(Percent: Gear)	0.0%	0.0%	0.3%	39.7%	100.0%	

Note: Round Weight (Not Eviscerated, Head On) = Usable Wt (Eviscerated, Head Off) / 7519

Noncommercial Halibut Harvests (Lbs Rd Wt) by Residents of Alaska Rural Places in Areas with Subsistence Halibut Uses

Source: Household Surveys, Division of Subsistence, ADF&G

	<u>Halibut Coastal District</u>	<u>Survey Year</u>	<u>Removed from Commercial Gear</u>	<u>Other Non- Commercial Gear</u>	<u>Rd and Reel Gear</u>	<u>Gear Not Ascertained</u>	<u>Total Halibut Harvest</u>	<u>Estimated Per Capita Harvest</u>
DISTRICT SUMMARY								
District 2C	2C	**	110,156	*	666,779	0	776,934	31
District 3A	3A	**	123,687	88,842	393,749	0	606,278	32
District 3B	3B	**	32,904	26,148	6,899	5,920	71,871	35
Districts 4A-D	4A-D	**	37,335	91,059	118,449	0	246,841	90
District 4E	4E	**	0	0	286	91,834	92,120	54
TOTAL DISTRICTS		**	304,081	206,049	1,186,162	97,754	1,794,045	36
			(Percent Gear)	16.9%	11.5%	66.1%	5.4%	100.0%

* In 2C, household surveys did not ask about "other non-commercial gear".

Alaska Rural Places and Native Groups in Areas with Subsistence Halibut Uses

Source: Alaska Department of Fish and Game

Place	Organized Entity	Halibut Coastal District	Use Pattern
			1 = regular 2 = periodic 3 = undocumented
Alaska Rural Places*			
Angoon	Municipality	2C	1
Coffman Cove	Municipality	2C	1
Craig	Municipality	2C	1
Edna Bay	Census Designated Place	2C	1
Elfin Cove	Census Designated Place	2C	1
Gustavus	Census Designated Place	2C	1
Haines	Municipality	2C	1
Hollis	Census Designated Place	2C	1
Hoonah	Municipality	2C	1
Hydaburg	Municipality	2C	1
Hyder	Census Designated Place	2C	1
Kake	Municipality	2C	1
Kasaan	Municipality	2C	1
Klawock	Municipality	2C	1
Klukwan	Census Designated Place	2C	1
Metlakatla	Census Designated Place	2C	1
Meyers Chuck	Census Designated Place	2C	1
Pelican	Municipality	2C	1
Petersburg	Municipality	2C	1
Point Baker	Census Designated Place	2C	1
Port Alexander	Municipality	2C	1
Port Protection	Census Designated Place	2C	1
Saxman	Municipality	2C	1
Sitka	Municipality	2C	1
Skagway	Municipality	2C	1
Tenakee Springs	Municipality	2C	1
Thorne Bay	Municipality	2C	1
Whale Pass	Census Designated Place	2C	1
Wrangell	Municipality	2C	1
Akhiok	Municipality	3A	1
Chenega Bay	Census Designated Place	3A	1
Cordova	Municipality	3A	1
Karluk	Census Designated Place	3A	1
Kodiak City	Municipality	3A	1
Larsen Bay	Municipality	3A	1
Nanwalek	Census Designated Place	3A	1
Old Harbor	Municipality	3A	1
Ouzinkie	Municipality	3A	1
Port Graham	Census Designated Place	3A	1
Port Lions	Municipality	3A	1
Seldovia	Municipality	3A	1
Tatitlek	Census Designated Place	3A	1

**Alaska Rural Places and Native Groups
in Areas with Subsistence Halibut Uses**

Source: Alaska Department of Fish and Game

Place	Organized Entity	District	Use Pattern
			Halibut Coastal
			1 = regular
			2 = periodic
			3 = undocumented
Yakutat	Municipality	3A	1
Chignik Bay	Municipality	3B	1
Chignik Lagoon	Census Designated Place	3B	1
Chignik Lake	Census Designated Place	3B	1
Cold Bay	Municipality	3B	1
False Pass	Municipality	3B	1
Ivanof Bay	Census Designated Place	3B	1
King Cove	Municipality	3B	1
Nelson Lagoon	Census Designated Place	3B	1
Perryville	Census Designated Place	3B	1
Sand Point	Municipality	3B	1
Akutan	Municipality	4A-D	1
Atka	Municipality	4A-D	1
Nikolski	Census Designated Place	4A-D	1
St. George	Municipality	4A-D	1
St. Paul	Municipality	4A-D	1
Unalaska	Municipality	4A-D	1
Chefomak	Municipality	4E	1
Gambell	Municipality	4E	1
Mekoryak	Municipality	4E	1
Newtok	Census Designated Place	4E	1
Nightmute	Municipality	4E	1
Savoonga	Municipality	4E	1
Toksook Bay	Municipality	4E	1
Tununak	Census Designated Place	4E	1
Wales	Municipality	4E	1
Aleknagik	Municipality	4E	2
Clark's Point	Municipality	4E	2
Dillingham	Municipality	4E	2
Egegik	Municipality	4E	2
King Salmon	Census Designated Place	4E	2
Kipnuk	Census Designated Place	4E	2
Kongiganak	Census Designated Place	4E	2
Levelock	Census Designated Place	4E	2
Manokotak	Municipality	4E	2
Naknek	Census Designated Place	4E	2
Nome	Municipality	4E	2
Pilot Point	Municipality	4E	2
Port Heiden	Municipality	4E	2
South Naknek	Census Designated Place	4E	2
Alakanuk	Municipality	4E	3
Bethel	Municipality	4E	3
Brevig Mission	Municipality	4E	3

Alaska Rural Places and Native Groups in Areas with Subsistence Halibut Uses

Source: Alaska Department of Fish and Game

Place	Organized Entity	Halibut Coastal District	Use Pattern	
			1 = regular	2 = periodic 3 = undocumented
Chevak	Municipality	4E		3
Eek	Municipality	4E		3
Elim	Municipality	4E		3
Emmonak	Municipality	4E		3
Golovin	Municipality	4E		3
Goodnews Bay	Municipality	4E		3
Hooper Bay	Municipality	4E		3
Kotlik	Municipality	4E		3
Koyuk	Municipality	4E		3
Kwigillingok	Census Designated Place	4E		3
Napakiak	Municipality	4E		3
Napaskiak	Municipality	4E		3
Oscarville	Census Designated Place	4E		3
Platinum	Municipality	4E		3
Quinhagak	Municipality	4E		3
Scammon Bay	Municipality	4E		3
Shaktolik	Municipality	4E		3
Sheldon Point	Municipality	4E		3
St. Michael	Municipality	4E		3
Stebbins	Municipality	4E		3
Teller	Municipality	4E		3
Togiak	Municipality	4E		3
Tuntutuliak	Census Designated Place	4E		3
Twin Hills	Census Designated Place	4E		3
Ugashik	Census Designated Place	4E		3
Unalakleet	Municipality	4E		3
White Mountain	Municipality	4E		3
Alaska Native Groups**				
Angoon	Angoon Community Association	Tlingit	2C	1
Craig	Craig Community Association	Tlingit	2C	1
Haines	Chilkoot Indian Association	Tlingit	2C	1
Hoonah	Hoonah Indian Association	Tlingit	2C	1
Hydaburg	Hydaburg Cooperative Association	Haida	2C	1
Juneau	Aukcuan Traditional Council***	Tlingit	2C	1
Juneau	Central Council Tlingit & Haida Indian Tribes	Tlingit-Haida	2C	1
Juneau	Douglas Indian Association	Tlingit	2C	1
Kake	Organized Village of Kake	Tlingit	2C	1
Kasaan	Organized Village of Kasaan	Haida	2C	1
Ketchikan	Ketchikan Indian Corporation	Tlingit	2C	1
Klawock	Klawock Cooperative Association	Tlingit	2C	1
Klukwan	Chilkat Indian Village	Tlingit	2C	1

Alaska Rural Places and Native Groups in Areas with Subsistence Halibut Uses

Source: Alaska Department of Fish and Game

Place	Organized Entity	Halibut Coastal District	Use Pattern	
			1 = regular	2 = periodic 3 = undocumented
Metlakatla	Metlakatla Indian Community, Annette Island Reserve	Tsimshian 2C		1
Petersburg	Petersburg Indian Association	Tlingit 2C		1
Saxman	Organized Village of Saxman	Tlingit 2C		1
Sitka	Sitka Tribe of Alaska	Tlingit 2C		1
Skagway	Skagway Village	Tlingit 2C		1
Wrangell	Wrangell Cooperative Association	Tlingit 2C		1
Akhiok	Native Village of Akhiok	Alutiq 3A		1
Chenega Bay	Native Village of Chanega	Alutiq 3A		1
Cordova	Native Village of Eyak	Eyak-Alutiq 3A		1
Karluk	Native Village of Karluk	Alutiq 3A		1
Kenai	Kenaitze Indian Tribe	Dena'ina 3A		1
Kenai	Village of Salamatoff	Dena'ina 3A		1
Kodiak City	Lesnoi Village (Woody Island)	Alutiq 3A		1
Kodiak City	Native Village of Afognak	Alutiq 3A		1
Kodiak City	Shoonaq' Tribe of Kodiak***	Alutiq 3A		1
Larsen Bay	Native Village of Larsen Bay	Alutiq 3A		1
Nanwalek	Native Village of Nanwalek	Alutiq 3A		1
Niniichik	Niniichik Village	Dena'ina 3A		1
Old Harbor	Village of Old Harbor	Alutiq 3A		1
Ouzinkie	Native Village of Ouzinkie	Alutiq 3A		1
Port Graham	Native Village of Port Graham	Alutiq 3A		1
Port Lions	Native Village of Port Lions	Alutiq 3A		1
Seldovia	Seldovia Village Tribe	Dena'ina-Alutiq 3A		1
Tatittek	Native Village of Tatittek	Alutiq 3A		1
Yakutat	Yakutat Tlingit Tribe	Tlingit 3A		1
Chignik Bay	Native Village of Chignik	Alutiq 3B		1
Chignik Lagoon	Native Village of Chignik Lagoon	Alutiq 3B		1
Chignik Lake	Chignik Lake Village	Alutiq 3B		1
False Pass	Native Village of False Pass	Aleut 3B		1
Ivanof Bay	Ivanoff Bay Village	Alutiq 3B		1
King Cove	Agdaagux Tribe of King Cove	Aleut 3B		1
King Cove	Native Village of Belkofski	Aleut 3B		1
Nelson Lagoon	Native Village of Nelson Lagoon	Aleut-Alutiq 3B		1
Perryville	Native Village of Perryville	Alutiq 3B		1
Sand Point	Pauloff Harbor Village	Aleut 3B		1
Sand Point	Native Village of Unga	Aleut 3B		1
Sand Point	Qagan Toyagungin Tribe of Sand Point Village	Aleut 3B		1
Akutan	Native Village of Akutan	Aleut 4A-D		1
Atka	Native Village of Atka	Aleut 4A-D		1
Nikolski	Native Village of Nikolski	Aleut 4A-D		1

**Alaska Rural Places and Native Groups
in Areas with Subsistence Halibut Uses**

Source: Alaska Department of Fish and Game

Place	Organized Entity	Halibut Coastal District	Use Pattern	
			1 = regular	
			2 = periodic	
			3 = undocumented	
St. George	Pribilof Islands Aleut Communities of St. Paul Island & St. George Islands	Aleut	4A-D	1
St. Paul	Pribilof Islands Aleut Communities of St. Paul Island & St. George Islands	Aleut	4A-D	1
Unalaska	Qawalingin Tribe of Unalaska	Aleut	4A-D	1
Chefomak	Village of Chefomak	Yup'ik	4E	1
Gambell	Native Village of Gambell	Siberian Yup'ik	4E	1
Mekoryak	Native Village of Mekoryak	Cup'ik	4E	1
Newtok	Newtok Village	Yup'ik	4E	1
Nightmute	Native Village of Nightmute	Yup'ik	4E	1
Nightmute	Umkumiute Native Village	Yup'ik	4E	1
Savoonga	Native Village of Savoonga	Siberian Yup'ik	4E	1
Toksook Bay	Native Village of Toksook Bay	Yup'ik	4E	1
Tununak	Native Village of Tununak	Yup'ik	4E	1
Wales	Native Village of Wales	Inupiat	4E	1
Aleknagik	Native Village of Aleknagik	Yup'ik	4E	2
Clark's Point	Village of Clark's Point	Yup'ik	4E	2
Dillingham	Native Village of Dillingham	Yup'ik	4E	2
Dillingham	Native Village of Ekuik	Yup'ik	4E	2
Egegik	Egegik Village	Alutiq-Yup'ik	4E	2
Egegik	Village of Kanatak	Alutiq-Yup'ik	4E	2
Kipnuk	Native Village of Kipnuk	Yup'ik	4E	2
Levelock	Levelock Village	Yup'ik	4E	2
Manokotak	Manokotak Village	Yup'ik	4E	2
Naknek	Naknek Native Village	Alutiq-Yup'ik	4E	2
Nome	King Island Native Community	Inupiat	4E	2
Nome	Nome Eskimo Community	Inupiat	4E	2
Pilot Point	Native Village of Pilot Point	Alutiq-Yup'ik	4E	2
Port Heiden	Native Village of Port Heiden	Autic	4E	2
South Naknek	South Naknek Village	Alutiq-Yup'ik	4E	2
Alakanuk	Village of Alakanuk	Yup'ik	4E	3
Bethel	Onksaramut Native Village	Yup'ik	4E	3
Brevig Mission	Native Village of Brevig Mission	Inupiat	4E	3
Chevak	Chevak Native Village	Cup'ik	4E	3
Council	Native Village of Council	Inupiat	4E	3
Eek	Native Village of Eek	Yup'ik	4E	3
Elim	Native Village of Elim	Yup'ik	4E	3
Emmonak	Chukonawick Native Village	Yup'ik	4E	3
Emmonak	Emmonak Village	Yup'ik	4E	3
Golovin	Chirik Eskimo Community	Inupiat-Yup'ik	4E	3
Goodnews Bay	Native Village of Goodnews Bay	Yup'ik	4E	3
Hooper Bay	Native Village of Hooper Bay	Cup'ik	4E	3
Hooper Bay	Native Village of Pamiut	Cup'ik	4E	3

**Alaska Rural Places and Native Groups
in Areas with Subsistence Halibut Uses**

Source: Alaska Department of Fish and Game

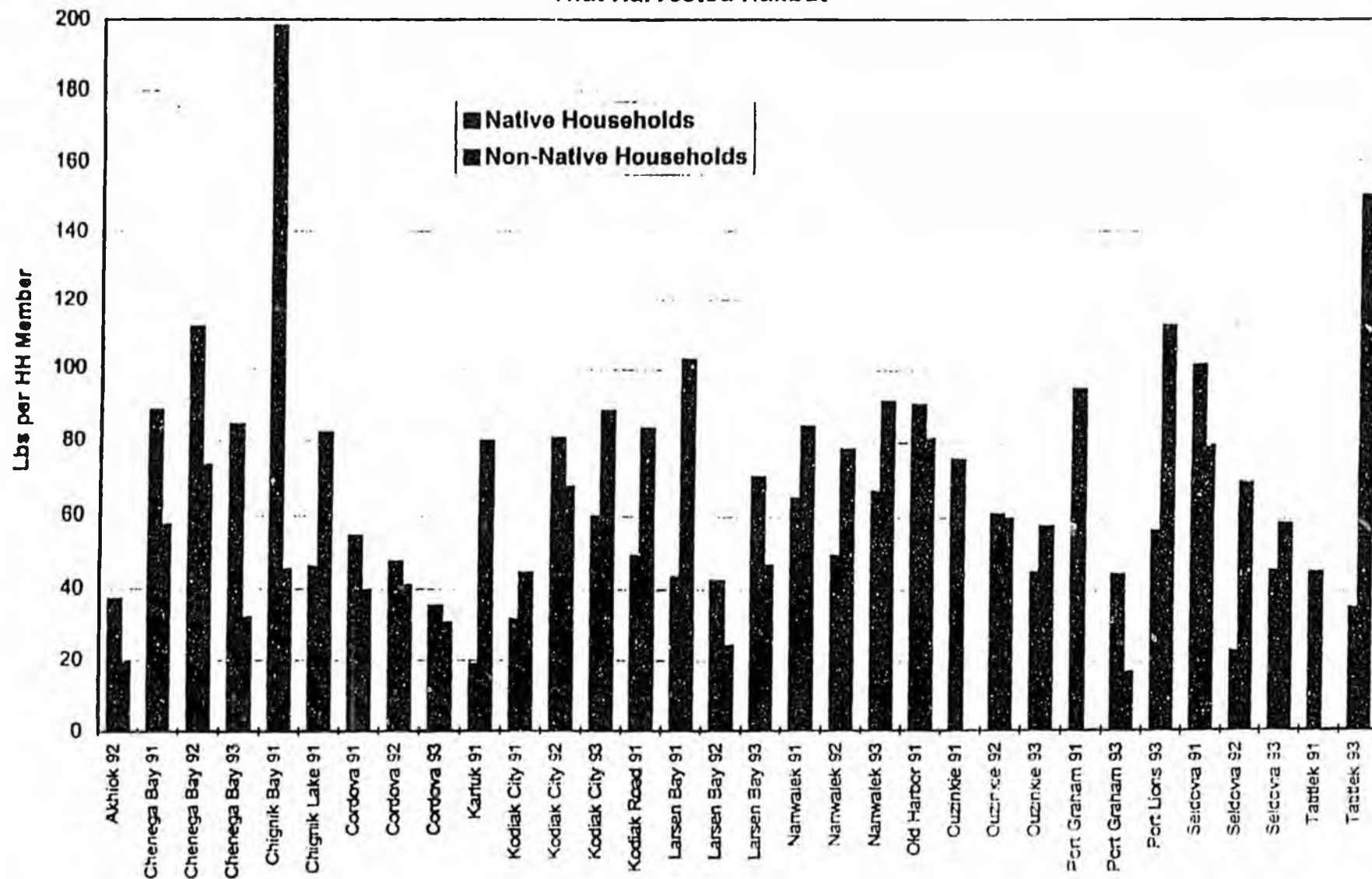
Place	Organized Entity	Halibut Coastal District	Use Pattern	
			1 = regular	2 = periodic
			3 = undocumented	
Kongiganak	Native Village of Kongiganak	Yup'ik 4E		3
Kotlik	Native Village of Hamilton	Yup'ik 4E		3
Kotlik	Village of Bill Moore's Slough	Yup'ik 4E		3
Kotlik	Village of Kotlik	Yup'ik 4E		3
Koyuk	Native Village of Koyuk	Inupiat 4E		3
Kwigillingok	Native Village of Kwigillingok	Yup'ik 4E		3
Napakiak	Native Village of Napakiak	Yup'ik 4E		3
Napaskiak	Native Village of Napaskiak	Yup'ik 4E		3
Oscarville	Oscarville Traditional Village	Yup'ik 4E		3
Platinum	Platinum Traditional Village	Yup'ik 4E		3
Quinhagak	Native Village of Kwinhagak	Yup'ik 4E		3
Scammon Bay	Native Village of Scammon Bay	Yup'ik 4E		3
Shaktoolik	Native Village of Sha'ktoolik	Inupiat-Yup'ik 4E		3
Sheldon Point	Native Village of Sheldon's Point	Yup'ik 4E		3
Solomon	Village of Solomon	Inupiat 4E		3
St. Michael	Native Village of Saint Michael	Yup'ik 4E		3
Stebbins	Stebbins Community Association	Yup'ik 4E		3
Teller	Native Village of Mary's Igloo	Inupiat 4E		3
Teller	Native Village of Teller	Inupiat 4E		3
Togiak	Traditional Village of Togiak	Yup'ik 4E		3
Tuntutuliak	Native Village of Tuntutuliak	Yup'ik 4E		3
Twin Hills	Twin Hills Village	Yup'ik 4E		3
Ugashik	Ugashik Village	Alutiq-Yup'ik 4E		3
Unalakleet	Native Village of Unalakleet	Inupiat-Yup'ik 4E		3
White Mountain	Native Village of White Mountain	Inupiat 4E		3

* Places where subsistence (wild food harvest and use) is a principal characteristic of the community's economy and way of life.

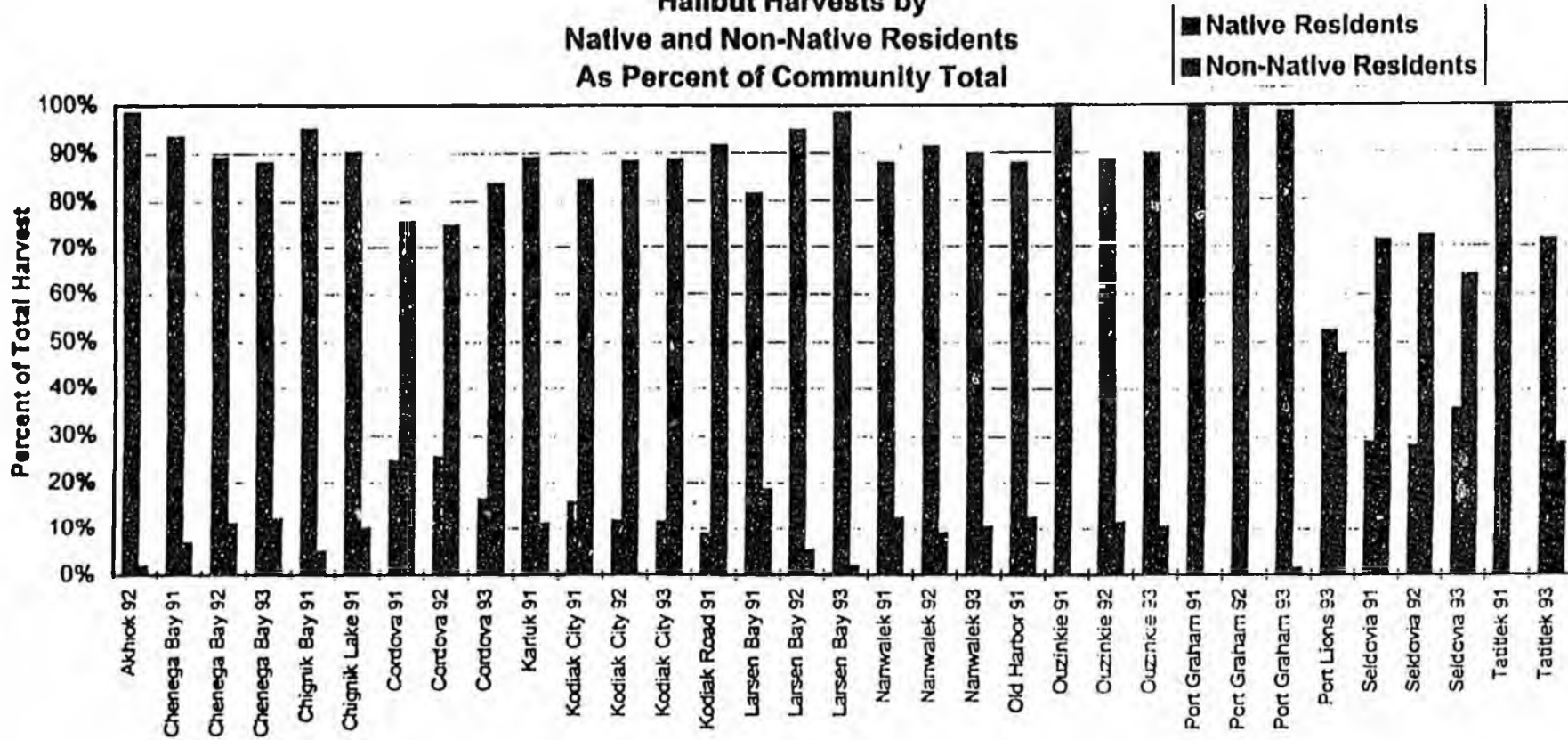
** Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs, cf., Federal Register, February 16, 1995, v. 60, no. 32, p. 9249-9255.

*** Applying for recognized status.

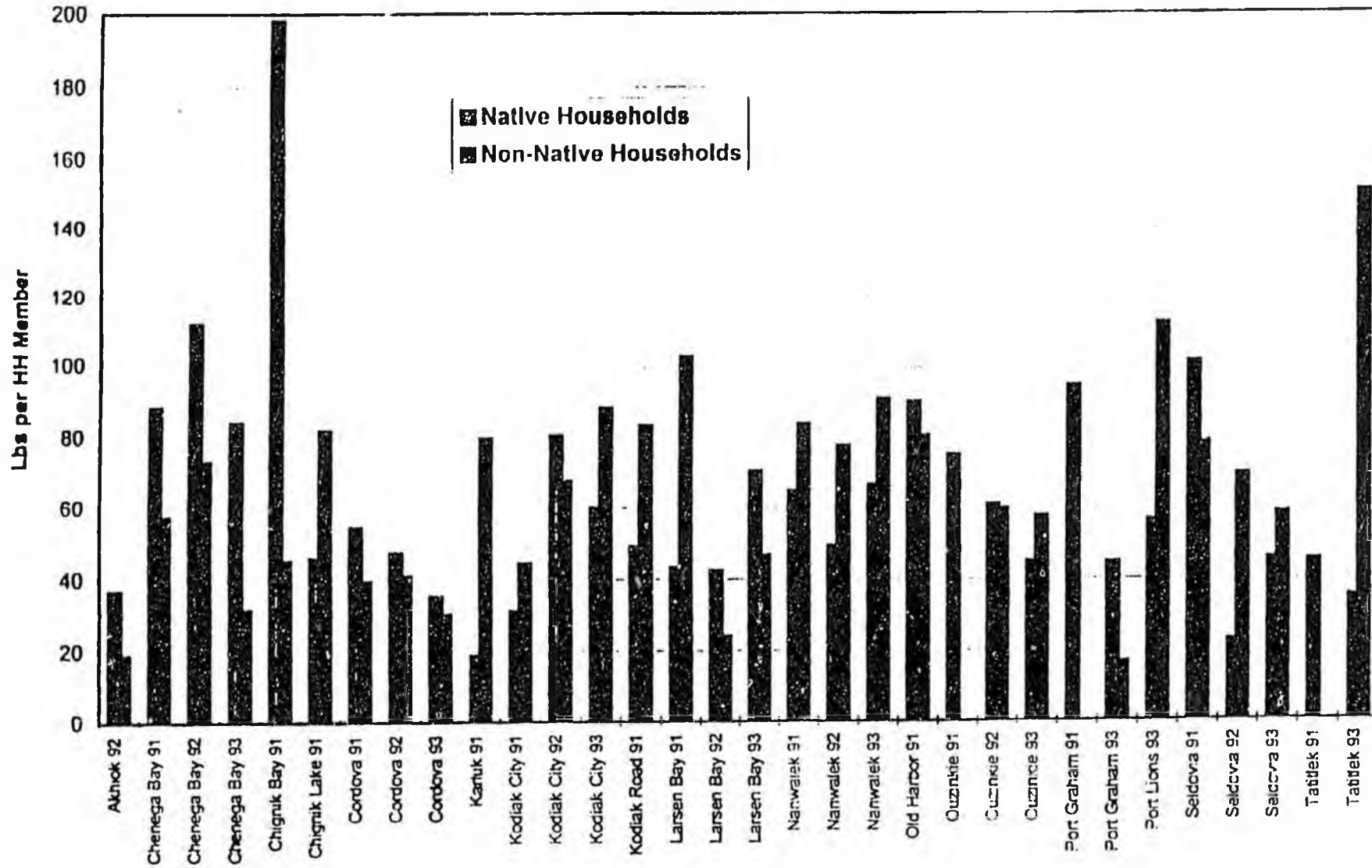
**Mean Halibut Harvests by
Native and Non-Native Households
That Harvested Halibut**



Hallbut Harvests by Native and Non-Native Residents As Percent of Community Total

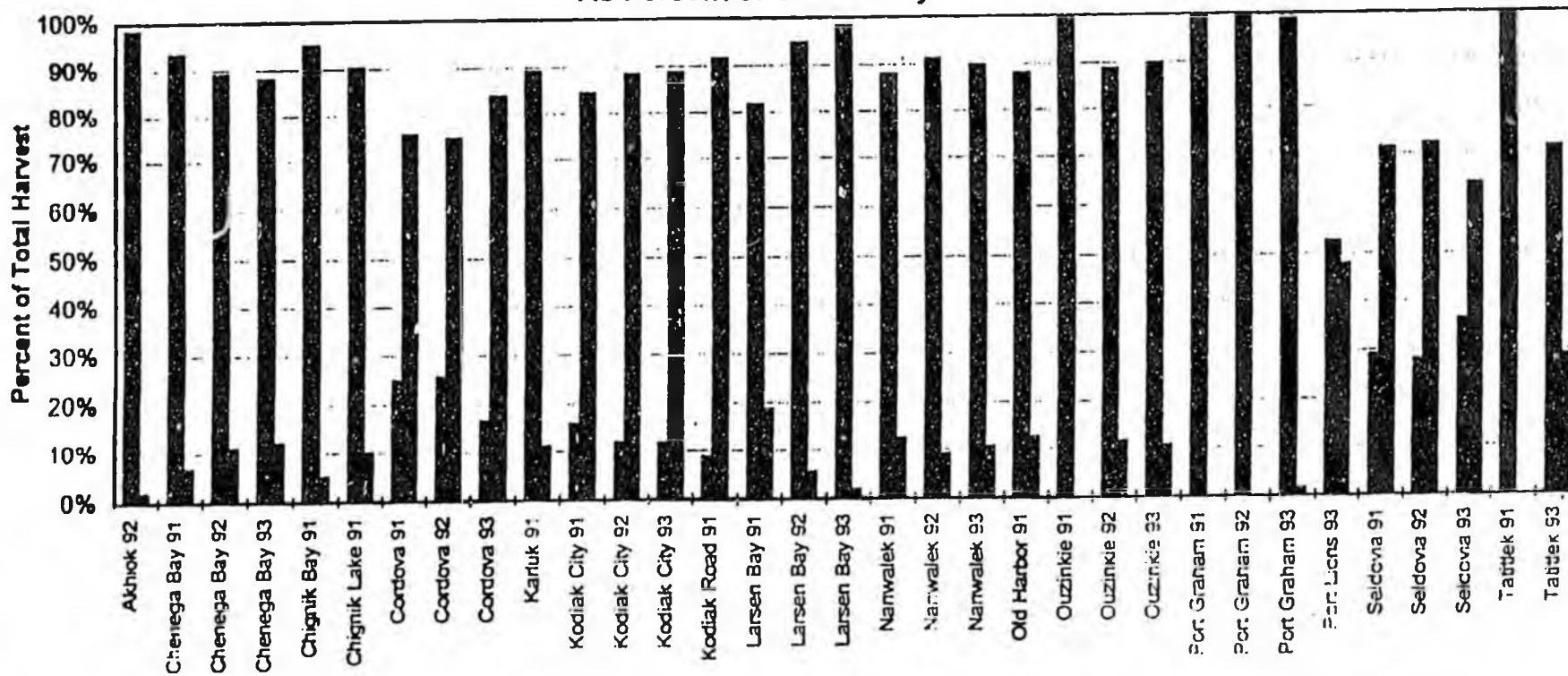


**Mean Halibut Harvests by
Native and Non-Native Households
That Harvested Halibut**



**Hallbut Harvests by
Native and Non-Native Residents
As Percent of Community Total**

■ Native Residents
■ Non-Native Residents



SOUTHEAST NATIVE SUBSISTENCE COMMISSION

320 West Willoughby Avenue, Suite 300

Juneau, Alaska 99801

CONCEPTS

- Subsistence halibut. "Subsistence use of halibut" refers to the noncommercial harvest and use of halibut for food by Alaska Natives and other rural residents in areas of Alaska with halibut uses.
- Eligibility. Alaska Natives and other rural residents in areas with halibut uses.
- Rural residents are persons whose principal domicile is in a rural Alaska area.
- Rural areas for the purpose of subsistence halibut regulations are areas where subsistence (wild food production and use) is a principal characteristic of the area's economy and way of life.
- Gear. Hook and line gear (including set and hand-held gear), with a maximum of 50 hooks.
- Special provisions. The commercial sale of subsistence-caught halibut is not allowed. The noncommercial sharing and exchange of subsistence-caught halibut is allowed.
- Permits. Subsistence permits may be required in particular areas if necessary for identifying subsistence fishers or special area provisions.
- Local area management plans. Local area management plans may be developed on an area basis to deal with special management issues such as local stock depletion.

KIPNUK TRADITIONAL COUNCIL

Box 57 • KIPNUK, ALASKA 99614
(907) 898-5515 • FAX (907) 898-5240

HALIBUT REGULATION PROPOSAL

In absence of subsistence regulations on the halibut fishery in and around the Cape Avinoff region and after having observed a National Marine Fisheries Enforcement Officer in Toksook Bay this past season, the Kipnuk Traditional Council, on behalf of the local commercial and subsistence fishermen, want to submit the following proposal to be seriously considered to become part of the Commercial Halibut Regulations for the Cape Avinoff Region subsistence halibut fishermen in particular:

1. No limit on number of hooks to be used. (Sportfishing regulations should not be used to develop subsistence regulations.)
2. No bag limit for subsistence caught halibut. (Sportfishing regulations should not be used to develop subsistence regulations.) Traditional and culture methods are used by families in our villages to determine how much they need for subsistence purposes, and should not be regulated because of these present conditions.
3. Subsistence catch of halibut should not be considered a part of the Commercial fishery established quota.

REASONS:

1. Traditionally, our people use three hook lines and many still make traditional hooks although some use regular 1 hook rod and reel.
2. Weather is not always reliable and every trip counts, especially to catch as many halibuts they can catch. The halibut (both dried and frozen) is one of the main food groups gathered by local residents besides herring.
3. With commercially caught herring and halibut being the main economic resource for our community, we do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Our resolution and its supplement that we submitted to IPHS, NPFS through Coastal Villages Fishing Cooperative is self explanatory and can be used for reference on this proposal. Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under a term, 'subsistence clause.'

NOTE: The Kipnuk Traditional Council is submitting this proposal in conjunction and agreement with the Toksook Bay Traditional Council. Our proposal is identical to the proposal submitted by the Toksook Bay Traditional Council, because our way of life is the same. We are closely related as families of the coast, with the same language with traditions and cultures that have a concern for the natural resources we depend on for food. Thank-you for considering our proposal.

NATIVE VILLAGE OF TUNUNAK

Tununak IRA Council
P.O. Box 77
Tununak, Alaska 99681
(907)652-6527 / Fax: 652-6011

Halibut Regulation Proposal

In absence of subsistence regulations on halibut fishery in and around Nelson Island region and after having encountered a National Marine Fisheries Enforcement Officer in just past summer season, the Native Village of Tununak, on behalf of the local commercial and subsistence fishermen, want following suggestive ideas to be seriously considered to become part of the Commercial Halibut Regulation for Nelson Island Region subsistence halibut fishermen in particular:

1. No limit on number of hooks to be used. (Sportfishing regulations should not be used to develop subsistence regulations)
2. No bag limit for subsistence caught halibut. (Sportfishing regulations should not be used to develop subsistence regulations)
3. Not count subsistence catch as part of quota.

REASONS:

1. Traditionally, our people use three hook lines and many still make traditional hooks although some use regular 1 hook rod and reels, many prefer 3 hook lines for jigging.
2. Weather is not always reliable and every trip counts especially to catch as many halibut they can catch. The halibut (both dried and frozen) is the main food gathered by local residents besides herring fish.
3. With commercial herring and halibut being the main economic source for our community, we do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Our resolution and its supplement that we submit to IPHS, NPHS through Coastal Villages Fishing Cooperative is self explanatory and can be used for reference on this proposal. Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under "subsistence clause."

NATIVE VILLAGE OF MEKORYUK
INDIAN REORGANIZATION ACT COUNCIL
P.O. Box 66
Mekoryuk, Alaska 99630
(907) 827-8828
Fax (907) 827-8133

MEKORYUK NATIVE COMMUNITY

HALIBUT REGULATION PROPOSAL

In absence of subsistence regulations and halibut fishery in and around Nunivak Island region. On behalf of the local commercial and subsistence fishermen, want the following suggestive ideas to be seriously considered to become part of the Commercial Halibut Regulations for Nelson Island Region subsistence halibut fishermen in particulars:

1. No limit on number of hooks to be used. (Sports fishing regulations should not be used to develop subsistence regulations).
2. Not count subsistence catch as part of the quota.

REASONS:

1. Traditionally, our people use two hook line and many still make traditional hooks although some use regular hook rod and reel, many prefer three-hook lines (jigging).
2. Weather is not always reliable and every trip counts especially to catch as many halibuts they can catch. The halibut (both dried and frozen) is the main food gathered by local residents.
3. With commercial halibut being the main economic source for our community, we do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under "subsistence clause."

PAST PRESIDENTS

Moses Nayiruk • Peter Smith, Sr. • Tom Dotomain • Jesse Moses • Walter Amos • George K. Whitman, Sr.
Edward J. Shavings, Sr. • George King, Sr. • Henry J. Shavings • Joseph David, Sr. • Jerry David, Sr.

Nightmute Traditional Council

P.O. Box 90021
Nightmute, AK 99690
(907)647-6215 Fax(907)647-6112

HALIBUT REGULATION PROPOSAL

In absence of subsistence regulations on halibut fishery in and around Nelson Island region and after having encountered a National Marine Fisheries Enforcement Officer in just past summer season, the Nightmute Traditional Council, on behalf of the local commercial and subsistence fishermen, want following suggestive ideas to be seriously considered to become part of the Commercial Halibut Regulations for Nelson Island Region subsistence halibut fishermen in particular:

1. No limit on number of hooks to be used. (Sport fishing regulations should not be used to develop subsistence regulation.)
2. No bag limit for subsistence caught halibut. (Sport fishing regulations should not be used to develop subsistence regulations)
3. Not count subsistence catch as part of the quota.

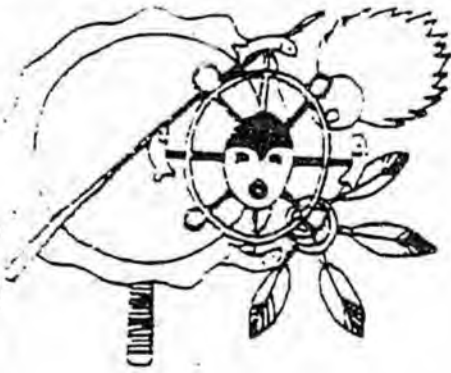
REASON:

1. Traditionally, our people use three hook line and many still take traditional hooks although some used regular hook rod and reel, many prefer three-hook lines. (jigging)
2. Weather is not always reliable and every trip counts especially to catch as many halibuts they can catch. The halibut (both dried and frozen) is the main food gathered by local residents besides herring fish.
3. With commercial herring and Halibut being the main economic source for our community, We do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Our resolution and its supplement that we submit to NPS, NPS through Coastal Village Fishing Cooperative is self explanatory and can be used for reference on this proposal.

Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under "subsistence clause."



Toksook Bay Traditional Council

TOKSOOK BAY NATIVE COMMUNITY

HALIBUT REGULATION PROPOSAL

In absence of subsistence regulations on halibut fishery in and around Nelson Island region and after having encountered a National Marine Fisheries Enforcement Officer in just past summer season, the Toksook Bay Traditional Council, on behalf of the local commercial and subsistence fishermen, want following suggestive ideas to be seriously considered to become part of the Commercial Halibut Regulations for Nelson Island Region subsistence halibut fishermen in particular:

1. No limit on number of hooks to be used. (Sportfishing regulations should not be used to develop subsistence regulations)
2. No bag limit for subsistence caught halibut. (Sportfishing regulations should not be used to develop subsistence regulations)
3. Not count subsistence catch as part of the quota.

REASONS:

1. Traditionally, our people use three hook line and many still make traditional hooks although some used regular 1 hook rod and reel, many prefer three-hook lines. (jigging)
2. Weather is not always reliable and every trip counts especially to catch as many halibuts they can catch. The halibut (both dried and frozen) is the main food gathered by local residents besides herring fish.
3. With commercial herring and halibut being the main economic source for our community, we do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Our resolution and its supplement that we submit to NPS, NPS through Coastal Village Fishing Cooperative is self-explanatory and can be used for reference on this proposal. Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under "subsistence clause".

Newtok Traditional Council

P O Box 5545 • NEWTOK, ALASKA 99550 • Telephone (907)237-2314 • Fax (907)237-2428

HALIBUT REGULATION PROPOSAL

In absence of subsistence regulations on halibut fishery in and around Nelson Island region and after having encountered a National Marine Fisheries Enforcement Officer in just this past summer season, the Newtok Traditional Council, on behalf of the local commercial and subsistence fishermen, want following suggestive ideas to be seriously considered to become part of the Commercial Halibut Regulations for Nelson Island Region subsistence halibut fishermen, in particular

1. No limit on number of hooks to be used. (Sportfishing regulations should not



2. No bag limit for subsistence caught halibut. (Sportfishing regulations should not be used to develop subsistence regulations).
3. Not count subsistence catch as part of the quota.

Reasons

1. Traditionally, our people use three hook line and many still make traditional hooks although some used regular hook rod and reel, many prefer three-hook lines. (jigging)
2. Weather is not always reliable and every trip counts especially to catch as many halibuts they can catch. The halibut (both dried and frozen) is the main food gathered by local residents besides herring fish.
3. With commercial herring and halibut being the main economic source for our community, we do not want subsistence caught halibut to be counted as part of the quotas for commercial halibut fishing.

CONCLUSION:

Our resolution and its supplement that we submit to IPHS, NPHS through Coastal Village Fishing Cooperative is self-explanatory and can be used for reference on this proposal. Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under "subsistence clause"

**Title: Halibut as a Customary and Traditional Subsistence Resource of
Alaska Natives**

Submitted by Southeast Native Subsistence Commission

WHEREAS, halibut is a customary and tradition resource for Alaska Natives; ancient Tlingit halibut hooks were designed to allow only harvestable-sized fish to be taken; and

WHEREAS, halibut continue to be a vital subsistence food source in coastal Native communities, an essential food at cultural celebrations, and important for sharing with elders and others who cannot harvest for themselves; and

WHEREAS, ANILCA Title VIII provides for the harvesting of fish and wildlife resources for subsistence usage in a non-wasteful manner; and

WHEREAS, Natives have been cited for harvesting halibut because of exceeding the bag limit of two fish per day and for using a long line with multiple hooks; and


WHEREAS, these regulations are not reflective of Native communities' customary and traditional methods, means, bag limits, and sharing; and

WHEREAS, these regulations are ethnocentric and have been difficult to change, due to lack of action from the concerned government agencies: the State of Alaska, National Marine Fisheries Service, the North Pacific Fisheries Management Council, and the International Pacific Halibut Commission.

NOW, THEREFORE, BE IT RESOLVED that the General Assembly of the Alaska Federation of Natives respectfully request that managing agencies recognize and acknowledge that halibut is a customary and traditional subsistence resource and that they allow Alaska Natives to use efficient means of harvest, including multiple hooks, rod and reel, and long line gear.

BE IT FURTHER RESOLVED, that this resolution be sent to the State of Alaska Board of Fisheries, to the National Marine Fisheries Service, to the North Pacific Fisheries Management Council, and the International Pacific Halibut Commission.

Approved for submission by participants at the Bering Sea
Fishermen's Association workshop on Wednesday October 16th @ 1 P.M.


Attest: Dan Albrecht, Program Director
Bering Sea Fishermen's Ass'n

10 MATI KIBKESH	WESTIK
Co/Dept.	Co.
Phone #	Phone #
Fax #	Fax #

Sixty-First Annual General Assembly
CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
April 17-20, 1996
Juneau, Alaska

Resolution 96-13

Title: HALIBUT IS A CUSTOMARY & TRADITIONAL SUBSISTENCE RESOURCE OF ALASKA NATIVES
Submitted by: Angoon T&H Community Council

WHEREAS, halibut is a customary and traditional resource for Alaska Natives; ancient Tlingit halibut hooks were designed to allow only harvestable-sized fish to be taken; and

WHEREAS, ANILCA provides for the harvesting of fish and wildlife resources for subsistence usage in a non-wasteful manner; and

WHEREAS, Natives have been cited for harvesting halibut because of exceeding the bag limit and for using a long line with multiple hooks; and

WHEREAS, Natives have had to endure regulations that only allow 2 halibut and a hand-held line with two hooks; and

WHEREAS, these regulations are not reflective of Native communities' customary and traditional methods, means and bag limits; and

WHEREAS, these regulations are ethnocentric and are difficult to change, due to lack of action from both the State and the International Pacific Halibut Commission (IPHC) which will not address this issue until the State does.

NOW, THEREFORE, BE IT RESOLVED that the General Assembly of Tlingit and Haida Central Council respectfully request the assistance of Alaska's delegation in Washington D.C. to amend the Northern Pacific Halibut Act, "To recognize and acknowledge halibut as a customary and traditional subsistence resource, and to assure subsistence harvesting of halibut by Alaska Natives is protected."

BE IT FURTHER RESOLVED that the Central Council also request the Board of Fisheries endorse this resolution with a follow-up letter of support.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Southeast Native Subsistence Commission, the International Pacific Halibut Commission, Board of Fisheries,

HJR

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LEGISLATIVE REFERENCE LIBRARY

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

HJR 49

Senate Rules Committee 2/23/98 12:22 pm

Alaska State Legislature

Committees:
Transportation, Chairman
Resources
Economic Development
Rules



During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
50 Front Street, Suite 203
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-7157

Representative William K. Williams **Sponsor Statement**

House Joint Resolution 49

The Forest Service recently announced a sweeping two-year moratorium on development of roadless areas of national forests. Although the announced land freeze appears to have exempted the Tongass National Forest from the policy, that is not necessarily the case.

The public has 30 days to comment on the roadless policy, after which the Tongass could be included in the moratorium. Also, the Chief of the Forest Service, Mike Dombeck, has said that the final long-term policy will apply to all forests.

The resolution speaks to the inappropriate manner in which the White House is dictating management of our national forests. The Forest Service has turned the public process upside down by announcing their policy first, then searching for scientific evidence to support their position and reaching out for public participation.

The resolution also speaks to the Tongass Land Management Plan. Alaskans and Outsiders spent over 10 years and \$13 million dollars revising how we manage the Tongass. It would be wrong to come back later with a unilateral amendment which alters the balance struck in the plan.

I urge your swift passage of the resolution, as the 30 day public comment clock is ticking

Tim--

The 30 day period to comment on the appropriateness of the roadless plan closes on February 27th. We would like to have the resolution passed by both bodies by then (it has to come back for concurrence)

Thanks,

Pete

Call me at 5141 if you have questions or need more information for the floor packet.

HJR

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Alaska State Legislature

Representative Beverly Masek
Chair, Military & Veterans Affairs
Vice Chair, Transportation
Vice Chair, Resources
Legislative Council

During Interim:
600 East Railroad Avenue
Wasilla, AK 99654
907-376-2679
907-376-6180 (fax)

During Session:
State Capitol
Juneau, AK 99801-1181
907-465-2679
907-465-4822 (fax)
1-800-505-2678

HOUSE SPECIAL COMMITTEE FOR MILITARY & VETERANS' AFFAIRS

To: Senator ^{Tim,} ~~Tim Kelly~~, Chair
Senate Rules Committee *Beverly*
Fr: Representative ~~Masek~~, Chair
Re: Request for Hearing on CSHB 362 (STA)
Dt: March 31, 1998

Please consider this my formal request for a hearing on Committee Substitute for House Bill 362 (STA) as soon as possible. It would be appreciated if this bill could be heard sometime during the week of April 6, 1998.

CSHB 362 (STA) amends AS 02.15.090(a) by adding language to allow the State of Alaska the authority to provide space within its airports for use as military lounges free of rental charges, if those lounges are operated by non-profit agencies, and if space is available.

HB 362 passed out of the House Special Committee for Military & Veterans' Affairs with unanimous consent on February 24, 1998 and passed the House State Affairs Committee on March 7, 1998. On March 23, 1998, HB 362 passed the Alaska State House of Representatives by unanimous vote. On March 31, 1998, HB 362 was passed out of the Senate State Affairs Committee.

Should you have any questions, contact Don Stolworthy in my office at extension 2811.



HJR 51

Alaska State Legislature

Representative Beverly Masek
Chair, Military & Veterans Affairs
Vice Chair, Transportation
Vice Chair, Resources
Legislative Council

During Interim:
600 East Railroad Avenue
Wasilla, AK 99654
907-376-2679
907-376-6180 (fax)

During Session:
State Capitol
Juneau, AK 99801-1182
907-465-2679
907-465-4822 (fax)
1-800-505-2678

HOUSE SPECIAL COMMITTEE ON MILITARY & VETERANS' AFFAIRS

To: Senator ^{Tim,} Tim Kelly, Chair
Senate Rules Committee ^{Beverly}
Fr: Representative Masek, Chair
Re: Request for Hearing on HJR 51
Dt: March 30, 1998

Please consider this my formal request for a hearing on House Joint Resolution 51. My hope is that HJR 51 could be heard no later than April 8, 1998.

HJR 51 is a resolution supporting Congressman Don Young's HR 2924, which will amend the Alaska Native Claims Settlement Act to allow Native Alaska veterans from the Vietnam era to make their land selections. Between 800 and 2000 Native veterans missed their chance to apply for their land selections under the Native Allotment Act, because they were either serving in combat zones or were overlooked by the BIA. HR 2924 also restores 50,000 acres to Elim Native Corporation, which were improperly removed by presidential executive order.

HJR 51 passed out of the House Special Committee for Military & Veterans' Affairs with unanimous consent on February 24, 1998. It passed the House of Representatives unanimously (35 yeas / 0 nays) on March 2, 1998. The Senate Resources Committee amended HJR 51 on March 30, 1998 and passed it out with individual recommendations. The Senate Resources Committee Substitute emphasizes support for the Native Alaska veterans' land selections, but makes HJR 51 silent on the issue of the Elim Native Corporation's land selections.

Should you have any questions, contact Don Stolworthy in my office at extension 2811.

HJR

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HOME

Recent
Developments

What is the
Initiative?

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Its Watershed

Services

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AMERICAN HERITAGE RIVERS



American Heritage River Nominations Received, 1997 22 December 1997

ALABAMA

Cahaba River
Chattahoochee River
Coosa River

ARKANSAS

Arkansas River (two
applications)
Ouachita River

COLORADO

Gunnison River (north fork)
South Platte River
Arkansas River

DELAWARE

Broad Creek
Delaware River

FLORIDA

ARIZONA

Santa Cruz River

CALIFORNIA

Gualala River (Nomination
withdrawn)
Lower American River
San Joaquin River
San Luis Rey River
Santa Clara River
Santa Rosa Creek

CONNECTICUT

Mianus River
Connecticut River

DISTRICT OF COLUMBIA

Anacostia River
Potomac River

GEORGIA

Choctawhatchee River
 Everglades
 St. Johns River
 St. Lucie River

HAWAII

Hanalei River

ILLINOIS

Chicago-Illinois River
 Mississippi River (in
 Dubuque)
 Kaskaskia River
 Ohio River
 Upper Mississippi River
 (two applications)

IOWA

Cedar River
 Mississippi River (in
 Dubuque)
 Missouri River (two
 applications)

KENTUCKY

Licking River
 Ohio River (two
 applications)

MARYLAND

Anacostia River
 Lower Susquehanna River
 Patuxent River
 Potomac River

MICHIGAN

Chattahoochee River
 Coosa River
 Savannah River

IDAHO

Clearwater River

INDIANA

Ohio River
 Ohio River-Pigeon Creek
 St. Joseph River

KANSAS

Arkansas River
 Missouri River

LOUISIANA

Lower Mississippi River
 Ouachita River

MASSACHUSETTS

Acushnet River
 Blackstone-
 Woonasquatucket River
 Connecticut River
 Merrimack River
 Mystic River
 South River
 Taunton River
 Westfield River
 Winnipesaukee River

MINNESOTA

Detroit River
 Grand River
 Kalamazoo River
 Muskegon River
 St. Joseph River
 St. Mary's River

MISSOURI

Cold Water Creek
 Missouri River
 Osage River
 Upper Mississippi River

NEBRASKA

Missouri River

NEW JERSEY

Delaware River
 Passaic River
 Rahway River
 Raritan River

NEW YORK

Allegheny River
 Beavertkill River
 Boquet River
 Bronx River
 Buffalo River
 Delaware River
 Genesee River
 Hudson River
 Hudson River (at Sleepy
 Hollow)
 Mianus River
 Niagara River

NORTH DAKOTA

Missouri River
 Yellowstone River

Minnesota River
 Mississippi River-
 (Minneapolis-St. Paul)
 St. Louis River
 Upper Mississippi River

MONTANA

Clearwater River
 Missouri River
 Yellowstone River

NEW HAMPSHIRE

Connecticut River
 Cocheco River
 Merrimack River
 Winnepesaukee--
 Merrimack River

NEW MEXICO

Rio Grande River
 San Juan River,
 Morning Water Child

NORTH CAROLINA

French Broad River
 Lower Cape Fear River
 Lower Neuse River
 Lower Roanoke River
 New River
 Savannah River
 Yadkin/Pee-Dee River

OHIO

Black River
 Cuyahoga River

Great Miami River
Mahoning River
Maumee River
Mill Creek
Muskingum River
Ohio River (two applications)

OKLAHOMA

Arkansas River

OREGON

Columbia River (in Columbia
County)
Willamette River

PENNSYLVANIA

Allegheny River
Delaware River
Genesee River
Lehigh River
Ohio River
Potomac River
Rivers of Steel
Schuylkill River
Swatara Creek
Upper Susquehanna--
Lackawanna Watershed

RHODE ISLAND

Blackstone--
Woonasquatucket River

SOUTH CAROLINA

Black River
Broad-Lower Saluda--
Congaree Rivers
Cooper River
Edisto River
Savannah River
Waccamaw River

SOUTH DAKOTA

Missouri River

TENNESSEE

Cumberland River
French Broad River
Mississippi River (at
Memphis)
Tennessee River (at
Chattanooga)
Tennessee River (in Decatur
county)

TEXAS

Brazos River
Rio Grande River
Rio Grande River (at
Brownsville)
Sabine River
San Antonio River

UTAH

Jordan River
San Juan River - Morning Water Child

VERMONT

Connecticut River

VIRGINIA

James River
Levisa River
New River
Potomac River
Rappahannock River
Tripps Run

WASHINGTON

Puyallup River
Snohomish River

WEST VIRGINIA

Cheat River
Kanawha River
New River
Ohio River
Potomac River

WISCONSIN

Mississippi River (in
Dubuque)
Fox River
Milwaukee River Basin
Rock River
Upper Mississippi River
Wolf River

WYOMING

Yellowstone River



[Email your suggestions](mailto:)

URL: <http://www.epa.gov/rivers/nominees.html>
Revised January 16, 1998

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

P O Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-427



White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-228

House Of Representatives

House District 34

AMERICAN HERITAGE RIVERS INITIATIVE SPONSOR STATEMENT

Representative Jeannette James

HJR 52: Relating to opposition to the designation of any rivers in Alaska as American Heritage Rivers under the American Heritage Rivers initiative.

Many of you will be wondering, "What is the American Heritage River initiative?" It has not been a widely publicized program. President Clinton first announced it on February 4, 1997 in his State of the Union message. Then in May and September there were announcements in the Federal Register. Since his State of the Union message President Clinton issued Executive Order 13061 directing agencies to establish and implement the initiative.

The program has two objectives: (1) to enhance our citizens' enjoyment of the historic, cultural, recreational, economic and environmental value of our rivers and (2) to protect the health of our communities by delivering federal resources more effectively and efficient. The President's purpose is to support communities within existing laws and regulations by providing them with better information, tools and resources, and encouraging local efforts deserving of special recognition.

We wonder. It all sounds very good, and quite innocent, just like so many federal Acts and Initiatives in the past. They all seem innocent and even beneficial until they begin touching the lives and rights of real people.

For instance, it was a false promise when people were told there is a self-defense provision in the Endangered Species Act.

- John Shuler of Montana killed grizzly bear after it attacked him late one night. Federal officials rendered the "self-defense" provision a nullity saying that Mr. Shuler was at fault for going into the "zone of imminent danger." That zone happened to be his own back yard.

It was another false promise when they adopted Wilderness legislation saying that there was a provision for the protection of "valid existing rights." The promise was that no private land would be taken into wilderness areas without the consent of the owner, that only federal land would

become wilderness, and that no buffer zones would be created. Not so, according to Kathy Stupak-Thrall of the Upper Peninsula of Michigan.

- Kathy Stupak-Thrall has been compelled to fight government attorneys who say the provisions have no meaning, or they do not apply to her private property and her "valid existing rights." These lawyers say that Congress didn't know what the language of the phrase "valid existing rights" meant. Therefore, they can interpret it any way they wish.

I would say there is good reason for the distress throughout our country regarding the President's American Rivers proposal, particularly with an attitude like that driving government attorneys. The American people are not stupid. They are well aware that a legacy of betrayals and broken promises are attached to these types of well-intentioned, pleasant sounding, feel-good programs.

For this reason, many states are joining with U.S. Representative Helen Chenoweth of Idaho who has introduced legislation asking for the complete withdrawal of the initiative. There are three major areas of concern: 1) the lack of congressional approval, 2) the vague language and absence of definitions, and the excess federal control over private property and state water rights. As a sovereign state, it also conflicts with our rights to control and manage our navigable waters.

One important point is that congress should be making rules and regulations Respecting Federal lands and resources, not the president or his appointees. We are again faced with the President stepping beyond the boundaries of his office. As Chenoweth stated in a press release after a House Resources Committee meeting:

"We are doing things exactly backwards here today. Instead of Congress making the proposal and the Administration commenting on it, we are actually in a position today of taking testimony not on the creation of a new program, but on how to stop it."

In addition, there is no justification of the need for such an initiative, and the details of the initiative are insufficient. It does not include any details on how the cleanup will be accomplished, what will actually be done, or who will do the work. Allowing more time for the public process is another concern. As it is, there has not been sufficient time for reviews and comments by the public on the initiative. Some people believe it is another intrusion of the federal government and a way to get control of all our lands. To protect our sovereignty this initiative must be stopped. I urge you now to vote yes on this legislation.

HJR

53

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

Sponsor Statement

HJR 53

HJR 53 lends support to US Senate Bill S660. Senate Bill 660 provides for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska.

Supporting S660 helps complete the land grant to the University of Alaska. It will greatly assist the continuation of higher education in Alaska.

This Bill places the Legislature on the record supporting the commitment to the University of Alaska as a land grant university.

TO THE EDITOR

Alaska regents for seeking a larger land grant to support the university, 250,000 federal acres.

Ordinance of 1785 specified that land west of Ohio be surveyed into townships composed of 36 sections of 640 acres. Every Section 16 would be set aside for "maintenance of public schools."

The 1842 Morrill Act dedicated land to states for "agriculture and mechanic arts" based on population with 30,000 acres per member of Congress. In 1848, the 1785 Ordinance was amended to double the section grant to two—Sections 16 and 36. Three of the last four states admitted to the Union—Utah, New Mexico, and Arizona—each received four. Under that formula, Alaska's grant for public schools would exceed 40 million acres.

Alaska never received title to specific sections because the territory was unsurveyed. So in the 1950s, Congress rejected section grants and substituted quantity grants for Alaska. That meant 100 million acres of a general grant plus specific acreage for prisons, schools, asylums, pioneers homes, and 500,000 acres for the university and 500,000 acres for a teachers college.

In the final Statehood Act in 1958, all were rolled into a single land grant to Alaska. The Statehood Act also canceled all unsurveyed land grants. That reduced the university's federal land grant from 360,000 acres it had received under earlier legislation, to 112,000 acres.

We urge Alaskans to read Senate Bill 660. When he introduced it, Sen. Murkowski stated

that most of the land selected "would stem from the 70 million acres of uncommitted land currently under control of the Bureau of Land Management." Restrictions, a "system of public hearings and required approval by the Secretary of Interior adequately protects lands with which SEACC is concerned.

It offers a chance for the state to join in a land grant by matching up to 250,000 acres with another 250,000 federal acres.

Remember, the university belongs to all Alaskans. Regents seek to assure a system of higher education in the next millennium adequately funded to do the job.

Sincerely,
Lew M. Williams Jr.
UA regent
Ketchikan

Land grant

Sept. 4, 1997

To the editor:

Southeast Alaska Conservation Council inaccurately criticizes this writer, Sen. Frank Murkowski and the University of

Land grant would help UA fill educational needs

By Jerome B. Komisar

The following is excerpted from University of Alaska President Jerome B. Komisar's presentation to U.S. Senate Energy and Resources Committee of the university's views in support of S.660, which would grant federal public lands to the university, fulfilling earlier commitments made to it by Congress. Komisar testified Sept. 11 before the U.S. Senate Energy and Natural Resources Committee in Washington, D.C.

The University of Alaska is Alaska's only public land grant university. In 1915 and 1929, Congress made federal land grants totaling close to 370,000 acres to the state for the exclusive use and benefit of the university.

For a number of reasons, the university has received less than a third of the acreage allocated to it under these grants. The failure to transfer the total allotment was due to the incompleteness of the federal government's study of the region.

Before they could be conveyed, the lands had to be surveyed. As of 1915, only a fraction of 1 percent of Alaska had been surveyed, virtually none of it in the Tanana Valley where the granted lands were located. As late as 1952, a mere 0.6 percent of the entire Territory of Alaska had been surveyed. In the early 1950s, predictions about how long it would take to survey Alaska at current federal speed varied between 12,000 and 43,510 years.

The result is that of all the states that have received land grants, only Delaware received less than Alaska. And given the size of Alaska, no other state, by far, received a smaller portion of total state acreage for the support of higher learning.

This obvious inequity is impossible to rationalize: first, Alaska's vast size makes it eminently possible to devote significant acreage to the support of higher education and greater learning — Alaska does not have a land shortage, at least not in public lands; while, second, Alaska's vast distances, its harsh climactic conditions, and the remote locations of many of its cities and villages create prohibitive costs unknown in the rest of the country, which makes a grant of land exemplary public policy.

If there is any section of our nation where educational land grants are justified and necessary, it is in the great

land of Alaska.

The University of Alaska is a statewide system which consists of three multimission universities located in Anchorage, Fairbanks and Juneau with extended satellite colleges and centers, including more than dozens of extension and research sites.

Not surprisingly, the need for higher education is most difficult to serve in the rural and remote areas of the state where vast distances separate cities and villages, where air travel is the only means of transportation, where the cost of communications — telephone, television, electronic networks — can be exorbitant.

A sufficient land grant would enable the university to plan and provide more effectively the educational and cultural services needed throughout the enormous Alaska terrain and permit the massive size of the land to provide economic benefits as well as cause financial cost.

Additional land also will enable the university to further the application of exemplary ways of extracting and managing natural resources. It will permit economic development projects and land utilization that balance environmental protection with social progress.

The income earned will further the university's research in those disciplines in which it has exceptional depth and opportunity: geophysics and climate change, oceanography and fisheries; the clean use of fossil fuels; arctic biology and arctic engineering; and the economic and social dynamics of the circumpolar north.

S.660 also envisions that the university will convey to the National Park Service and the U. S. Fish and Wildlife Service thousands of acres of university lands that are now in holdings in or adjacent to parks and refuges created or expanded by the 1980 Alaska National Interest Lands Conservation Act. These inholdings would be relinquished to the United States.

Thus, the proposed legislation, in addition to making the university whole, would have the added benefit of enhancing the conservation and management of Alaska's vast parks, refuges and wilderness areas.

By providing the University of Alaska with a land grant which is both more consistent with what was originally intended and commensurate with the state's size and character, this legislation will permit the University of Alaska to carry out its singular responsibility as a unique and major national center for culture, for learning, and for opportunity in the great far north.



The result is that of all the states that have received land grants, only Delaware received less than Alaska.

it will permit economic development projects and land utilization that balance environmental protection with social progress.

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S.660

To provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes. (Reported in the Senate)

Calendar No. 208

105th CONGRESS

1st Session

S. 660

[Report No. 105-106]

A BILL

To provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes.

October 9, 1997

Reported with an amendment

S 660 RS

Calendar No. 208

105th CONGRESS

1st Session

S. 660

[Report No. 105-106]

To provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS- The Congress finds that--

(1) the University of Alaska is the successor to and the beneficiary of all Federal grants and conveyances to or for the Alaska Agricultural College and School of Mines;

(2) under the Acts of March 4, 1915, 38 Stat. 1214, and January 21, 1929, 45 Stat. 1091, the United States granted to the Territory of Alaska certain Federal land for the University of Alaska;

(3) the Territory was unable to receive most of the land intended to be conveyed by the Act of March 4, 1915, before repeal of that Act by section 6(k) of the Alaska Statehood Act (Public Law 85-508, 72 Stat. 339);

(4) only one other State land grant college in the United States has obtained a smaller land grant from the Federal Government than the University of Alaska has received, and all land grant colleges in the Western States of the United States have obtained substantially larger land grants than the University of Alaska;

(5) an academically strong and financially secure state university system is a cornerstone to the long-term development of a stable population and to a healthy, diverse economy and is in the national interest;

(6) the national interest is served by transferring certain Federal lands to the University of Alaska which will be able to use and develop the resources of such lands and by returning certain lands held by the University of Alaska located within certain Federal conservation system units to Federal ownership;

(7) the University of Alaska holds valid legal title to and is responsible for management of lands transferred by the United States to the Territory and State of Alaska for the University and that an exchange of lands is consistent with and in furtherance of the purposes and terms of, and thus not in violation of, the Federal grant of such lands.

(b) PURPOSES- The purposes of this Act are--

(1) to fulfill the original commitment of Congress to establish the University of Alaska as a land grant university with holdings sufficient to facilitate operation and maintenance of a university system for the inhabitants of the State of Alaska; and

(2) to acquire from the University of Alaska lands it holds within Federal parks, wildlife refuges, and wilderness areas.

SEC. 2. PRIMARY FEDERAL GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and the procedures set forth herein, the University is granted and entitled to take up to 250,000 acres of Federal lands (or reserved interests in lands) in or adjacent to Alaska as a Federal grant. The University may identify and select the specific lands it intends to take pursuant to this grant, and the Secretary of the Interior ('Secretary') shall promptly convey to the University the lands selected, in accordance with the provisions of this Act.

(b)(1) Within 48 months of enactment of this Act, the University of Alaska may submit to the

Secretary a list of properties the University has tentatively selected to receive under the conditions of this grant. Such list may be submitted in whole or in part during this period and the University may make interim tentative selections that it may relinquish or change within the 48-month period. The University may submit tentative selections that exceed the amount of the grant except that such selections shall not exceed 275,000 acres at any one time.

(2) All selections shall be in reasonably compact units: Provided, That the University may select small tracts of Federal land within Federal reservations consistent with the limitations in subsection (c) below.

(3) The University may submit tentative selections of Federal lands validly selected but not conveyed to the State of Alaska or the corporations organized pursuant to the Alaska Native Claims Settlement Act: Provided, That such lands may not be approved or conveyed to the University unless the State of Alaska and or the corporation has relinquished its prior selection.

(4) The University shall make no selections within Conservation System Units as defined in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101) or lands designated as LUD II by section 201 of the Tongass Timber Reform Act of 1990.

(5) Within forty-five (45) days of receipt of a University tentative selection, the Secretary shall publish notice of said selection in the Federal Register. Such notice shall identify lands included in the tentative selection and provide for a period for public comment on the tentative selection not to exceed sixty (60) days.

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To provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes. (Reported in the Senate)

(6) Within six months of the receipt of a University tentative selection, the Secretary shall notify the University of his acceptance or objection to each tentative selection, including the reasons for any objection. Failure to object within six months shall constitute approval by the Secretary. Any public comments submitted in response to a public notice issued pursuant to paragraph (5) above may be considered by the Secretary: Provided, That the Secretary may object to tentative selections of the University if and only if he demonstrates that a conveyance of such to the University--

(A) will have a significant adverse impact on the purposes for which a Conservation System Unit was established; or

(B) will have a significant adverse impact on fulfillment of the Alaska Statehood Act or the Alaska Native Claims Settlement Act (43 U.S.C. 1601).

(7) The Secretary's acceptance of, or objection to, any tentative selections submitted by the University of Alaska pursuant to section 2 of this Act or the conveyance of any such selections by tentative approval, patent or other instrument are not major Federal actions within the means of section 102(2)(c) of Public Law 91-190.

(8) The Secretary shall publish notice of any decision to accept or object to a tentative selection in the Federal Register.

(c) The Secretary shall not approve or convey, under this grant--

(1) any Federal lands which, at the time of enactment of this Act, are included in a Conservation System Unit, or are designated as LUD II by section 201 of the Tongass Timber Reform Act of 1990;

(2) any Federal lands validly selected or top filed pursuant to section 906(e) of

Public Law 96-487 but not conveyed to the State of Alaska or the corporations pursuant to the Alaska Native Claims Settlement Act; or

(3) any Federal lands withdrawn and actually used in connection with the administration of any Federal installations and military reservations unless the head of the land holding or occupying agency or entity agrees.

(d) If, following the Secretary's review of tentative selections by the University, the amount of

acreage approved by the Secretary for conveyance is less than the full primary grant, the University may select additional lands to satisfy the primary grant.

(e) Upon the University's tentative selection of land:

(1) Such land shall be segregated and unavailable for selection by and conveyance to the State of Alaska or any corporation organized pursuant to the Alaska Native Claims Settlement Act and shall not be otherwise encumbered or disposed of by the United States pending completion of the selection process.

(2) The University shall possess the nonexclusive right to enter onto such lands for the purpose of--

(A) assessing the oil, gas, mineral, and other resource potential therein. The University, and its delegates or agents, shall be permitted to engage in assessment techniques including but not limited to core drilling to assess the metalliferous or other values, and surface geological exploration and seismic exploration for oil and gas: Provided, That this paragraph shall not be construed as including or allowing exploratory drilling of oil and gas wells; and

(B) exercising due diligence regarding the making of a final selection.

(f) Within one year of the Secretary's approval of a tentative selection, the University may make therefrom a final selection pursuant to this Act. Within six months of such final selection by the University, the Secretary shall issue a tentative approval of such final selection. Such tentative approval shall be deemed to transfer to the University all right, title, and interest of the United States in and to the described selection. Any lakes, rivers and streams contained within such selections shall be meandered and lands submerged thereunder conveyed in accordance with 43 U.S.C. Sec. 1631, as amended. Upon completion of a survey of lands included within such tentative approval, the Secretary shall promptly issue a patent to such lands. Pending issuance of a patent, the University shall have rights and authorities over tentatively approved lands consistent with those under the Alaska Statehood Act and the Alaska Native Claims Settlement Act, including the right to transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present or future interest in the lands granted pursuant to this Act.

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S.660

To provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes. (Reported in the Senate)

(g) The Secretary of Agriculture, as well as the heads of other Federal agencies, shall take such actions as may be necessary to facilitate and expedite the implementation of this Act by the Secretary of the Interior.

SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF ALASKA HOLDINGS.

(a) As a condition to receiving the land grant provided by section 2 of this Act, the University of Alaska shall convey to the Secretary those lands listed in 'The University of Alaska's Inholding Reconveyance Document' and dated April 24, 1997.

(b) The University shall begin conveyance of the lands listed in (a) above upon taking title to lands it has selected pursuant to section 2 of this Act and shall convey to the Secretary a percentage amount of land proportional to that which it has received, but in no event shall it be required to convey any lands other than those listed in (a) above to the Secretary. The Secretary shall accept quitclaim deeds from the University for these lands.

SEC. 4. ALIENATION OF LANDS.

Notwithstanding any other provision of law, the University of Alaska may transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present or future interests in the lands granted pursuant to this Act.

SEC. 5. JUDICIAL REVIEW.

The University of Alaska has the right to bring action for, including but not limited to, relief in the nature of mandamus, against the Secretary for violation of this Act or for review of an agency decision under this Act. Such an action can only be brought in the United States District Court for the District of Alaska and within two (2) years of the alleged violation or the final decisionmaking. For all other entities or persons, decisions of the Secretary shall be final and conclusive.

SEC. 6. STATE MATCHING GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and the procedures set forth in this Act, the University is granted and shall be entitled to take, in addition to the primary grant provided for in section 2 herein, up to another 250,000 acres in Federal

lands (or reserved interests in lands) in or adjacent to Alaska: Provided, That any additional acres are granted, as specified below, on a matching acre-for-acre basis to the extent that the State of Alaska shall first grant to the University State-owned land in Alaska.

(b) The University may select and the Secretary shall convey lands which the University is entitled to receive pursuant to this State matching grant provision in minimum increments of 25,000 acres up to the maximum of 250,000 acres.

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HJR

56

Alaska State Legislature

REPRESENTATIVE BILL HUDSON

State Capitol
Juneau, Alaska
99801-182
907-465-3744
Fax 907-465-2273

COMMITTEES

CO-CHAIR
Economic Committee

MEMBER
Economic Committee
Economic Committee

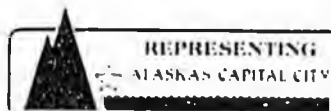
Sponsor Statement CS HJR 56 (RLS)

This Resolution urges the Federal Railroad Administration to transfer the Linear Induction Motor Research Vehicle (LIMRV) to the State of Alaska. The LIMRV is a high speed test vehicle which was used in the 1970's for obtaining experimental data by the United States Department of Transportation. The transfer of the LIMRV will allow for the potential development of a new industrial and research business in Alaska.

Power Superconductor Applications Corporation is proposing local employment in the converting the LIMRV to their needs. Upon receipt of the LIMRV, there will be potential employment of up to 55 persons for the conversion.

Power Superconductor Applications Corporation is also planning to establish a high speed test facility at Annette Field on Metlakatla. This airfield makes available long flat strips of land and a moderate climate for the testing of the LIMRV. Currently, there are facilities in Southeast Alaska that could be quickly retrofitted by the Power Superconductor Applications Corporation for their requirements for the LIMRV conversions. The fact that there are current convertible facilities available, will allow for expedient development of the project.

Recently, the Alaska Railroad Corporation supported the LIMRV development as its Induction Braking System program will provide for safer railroad transit. The Sealaska Native Corporation and the Cape Fox Native Corporation also have endorsed the yttrium-based linear induction motor development. Now, I urge your support of this Resolution so that the LIMRV will be transferred to the State of Alaska and the development of this yttrium technology may begin.



HJR

59

Alaska State Legislature House of Representatives

Committees

Rules Committee, Chair
Legislative Council
International Trade & Tourism
Military & Veterans Affairs
World Trade & State/Federal Relations



Interim:
10928 Eagle River Rd. Suite 141
Eagle River, AK 99577

Session:
Alaska State Capitol
Juneau, AK 99801

HOUSE JOINT RESOLUTION NO. 59

SPONSOR STATEMENT

This resolution urges the Congress of the United States to present a constitutional amendment to the states that would authorize Congress to prohibit the physical desecration of the American flag.

The flag has long been enshrined as the symbol of what is right with America and is a most worthy emblem of our nation. The law, as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect and dignity befitting the banner of our noble experiment of a nation state, "the last, best hope of mankind." (A. Lincoln).

The Resolution supports Congressional House Resolution 54 or Senate Joint Resolution 40 providing Congress the authority to prohibit the physical desecration of the flag.

I urge your support for this Resolution.

Representative Pete Kott

Juneau Office (907) 465-3777 Toll Free 1-800-861-KOTT(5688) Fax (907) 465-2819
Eagle River Office (907) 694-8944 Fax (907) 694-8945 E-Mail: representative_pete_kott@legis.state.ak.us



II

105TH CONGRESS
2D SESSION**S. J. RES. 40**

Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 1998

Mr. HAGEL (for himself, Mr. CLELAND, Mr. HAGEL, Mr. STEVENS, Mr. FORD, Mr. LOFT, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. ALLARD, Mr. ABRAHAM, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Mr. COLLINS, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FARCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, Mr. BAUCUS, Mr. BREAUX, Mrs. FEINSTEIN, Mr. HOLLANDS, Mr. REED, Mr. ROCKEFELLER, and Mr. JOHNSON) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 *That the following article is proposed as an amendment*
- 4 *to the Constitution of the United States, which shall be*

2

1 valid to all intents and purposes as part of the Constitu-
2 tion when ratified by the legislatures of three-fourths of
3 the several States within 7 years after the date of its sub-
4 mission for ratification:

5 "ARTICLE —

6 "The Congress shall have power to prohibit the phys-
7 ical desecration of the flag of the United States."

○

Ted Stevens

United States Senator For Alaska



February 4, 1998
FOR IMMEDIATE RELEASE

Contact: Press Office
(202) 224-6309

STEVENS JOINS IN SPONSORING RESOLUTION PROPOSING FLAG DESECRATION AMENDMENT

Senator Stevens today joined in sponsoring a Senate Resolution proposing a Constitutional Amendment that would give Congress the power to prohibit the physical desecration of the flag.

Noting that Alaskans are strong in their belief that our flag should not be desecrated, Stevens said, "The power to amend the Constitution demands a cautious respect. It is a considerable power - one that has helped to chart the course of our history. We should not jump headlong into amendments. But we should not be afraid to act on our beliefs, either.

"The Supreme Court has given us a choice," the Senator said. "We can accept that the First Amendment allows the desecration of America's flag, or we can change the law to prevent it."

The Senator pointed out that 48 states had laws preventing flag desecration before those laws were struck down in a Supreme Court decision.

For those who serve overseas, in peacetime as well as conflict, the flag serves as a special reminder and symbol of the freedom Americans enjoy more than any other nation, Stevens said. The Senator, who was closely involved in the Statehood movement when he served as assistant to the Secretary of the Interior and Solicitor of the Department, recalled, "I remember the day the 49th star was pinned on our flag. It was one of the proudest moments of my life."

###

Alaska Offices: Anchorage: 271-5815 Fairbanks: 458-0261 Juneau: 588-7400
Kenai: 283-5808 Ketchikan: 228-6800

HJR

65

Alaska State Legislature

House Resources Committee

Co-Chair Scott Ogan
(907) 465-3715
FAX (907) 465-3265
Capitol Building, Room 124
Juneau, Alaska 99801



Co-Chair Bill Hudson
(907) 465-6820
FAX (907) 465-2273
Committee Meetings
T/Th 1 - 4 p.m.

Vice Chair: Beverly Masek,
Representatives Ramona Barnes, Fred Dyson, Joe Green, Reggie Joule, Irene Nicholia, William Williams

HJR 65

Classify Wild Salmon as Organic Food

The organic-foods market is a growing market (annual growth rate of 20%) with total sales of \$3.5 billion in 1996. Alaska's wild salmon, long recognized by the medical community as a heart healthy food, and reared in pristine Alaskan waters should be a strong candidate for this growing market.

Unfortunately, farmed salmon producers, both domestic and foreign, are ahead of Alaska in striving to convince the U.S. Department of Agriculture that farmed salmon should qualify for Organic certification under federal law.

House Joint Resolution 65 requests that Alaska wild salmon be fairly considered by objective scientific criteria as an organic food. The United States Department of Agriculture, via the Agricultural Marketing Service (AMS), is seeking the establishment of national standards for the organic production and handling of agricultural products. The deadline for public and official input is May 30th, 1998.

The global salmon industry is fiercely competitive. Organic certification is a valuable market niche because a rapidly growing base of consumers has demonstrated willingness to consistently pay top dollar for products of choice.

HJR 65 is but one step in pursuing this significant market. It puts the United States Department of Agriculture on notice that Alaskans are watching the pending debate over organic qualification, and it asks our delegation in Congress to assist in this matter, to insure the huge agri-industry doesn't simply dominate the agenda from the start.

Purpose and Background of the National Organic Program

The organic industry experiences numerous problems marketing organically produced and handled products. Inconsistent and conflicting standards, labeling problems and consumer confusion are all obstacles.

The industry failed in an attempt to establish a national voluntary organic certification program and thereafter petitioned Congress to establish a mandatory national program.

Congress, in 1990, enacted the Organic Foods Production Act (OFPA). This year, USDA released general guidelines describing how different foods would be classified and opened public comment until April 30 of this year. The proposed classifications would be part of a newly established National Organic Program under the OFPA and would set national standards governing the marketing of organic products.

Establishing a national definition for organic is expected to increase the supply and variety of organic products, especially meat and poultry, available to consumers. The USDA has withheld approval for the use of organic labels on meat and poultry pending the outcome of the current proposed rule making. (Salmon not only competes with salmon for market share, but other protein sources, as well).

Need for Separate Seafood Section Under OFPA

While seafood is not explicitly excluded these rules are not clearly inclusive of seafood, particularly when harvested from the sea.

The most applicable existing section, "wild crop harvesting" is clearly written from a "land" perspective and is too limited to clearly apply to ocean seafood. Existing language regarding aquaculture, wild mushroom gathering and honey production may open the door for wild salmon, though USDA contends that certification for ocean seafood is unacceptable because you can't guarantee the purity of the water they swim in or the quality of the food they eat.

Fisherman says organic sticker will sell salmon

By ELIZABETH MANNING
Daily News reporter

Picture this: It's salmon season, and inside supermarkets across the nation, shoppers are snubbing refrigerated displays packed with cheaper, farm-raised salmon, heading straight for fish caught in Alaska waters instead. Oh, and one more detail: They're willing to pay top dollar.

Look closer and you'll see why. Cut into slabs, packed into cans or molded into fish cakes, every Alaska salmon product



FRAN DURNER / Anchorage Daily News

Jeff Bailey, a commercial fisherman and salmon buyer, is behind the movement to label Alaska wild salmon as organic.

Please see Back Page, SALMON

ADN

2 Mar '98

SALMON: Fisherman hopes to add organic labeling

Continued from Page A-1

sports a label approved by the U.S. Department of Agriculture: 100 percent organic.

Of course, this is only a dream, but it's one that Cordova fisherman Jeff Bailey is trying to turn into reality. The national organic labels don't exist yet, but when they do appear in stores in a year or so, Bailey wants to make sure Alaska salmon are wearing them.

Bailey, who also owns Prime Select Seafoods Inc., believes the label would help Alaskans profit from the lucrative organic-foods market, worth \$3.5 billion in sales in 1996 with an average annual growth rate of 20 percent. He also thinks it would give the state a marketing tool to separate salmon caught in Alaska waters from fish raised in farms off the coast of Chile, British Columbia, Maine or Washington.

"Right now," Bailey said, "a salmon is a salmon." The label could change that, he said.

The national organic program was required by the 1990 Organic Foods Production Act. This year, the USDA released general guidelines describing how different foods would be classified organic and gave the public until April 30 to comment. The agency hopes to begin implementing a program within 18

months, USDA spokeswoman Demaris Kogut said.

Bailey heard about the guidelines on National Public Radio and downloaded them onto his computer. Combing through the text, he found language about aquaculture, wild mushroom gathering and honey production. Bailey believes some of the language might be tweaked to include wild fish, or that perhaps a whole new section for fishing should be added. He's been on a letter-writing campaign ever since, commenting on the rule and trying to drum up support from government officials and the seafood industry.

The Alaska Seafood Marketing Institute, a government/industry funded group that markets the state's seafood, said it liked the idea. But program coordinator Barbara Belknap said she didn't have enough staff to pursue it.

Connie Godwin, an aide to U.S. Sen. Ted Stevens, R-Alaska, said Bailey has contacted her office, and staff is looking into the idea.

The most help so far has come from Kate Troll, a fisheries specialist with the state Department of Commerce and Economic Development. She wants to ensure that whatever language the state proposes includes salmon started in hatcheries as well as stream-spawned salmon.

So far, reaction from the USDA has been skeptical. The agency said wild fish pose a problem because you can't guarantee the purity of the water they swim in or the quality of the food they eat. With wild food gathering, the USDA at least can require the owner of the land where the food was collected to disclose whatever chemicals might have been used there.

"These rules probably aren't ever going to apply to wild fish," Kogut said. "You can't manage where the fish grow and what they're eating. But someone could certainly make a case for it. That's what the comment period is for."

Despite the lack of encouragement, Bailey and others believe it's still worth making a case. After all, what could be a healthier meal than the wild fish caught in the clear, pristine waters of Alaska?

"Some poor USDA official is probably thinking this will open a whole can of worms," said University of Alaska Anchorage fisheries economist Gunna Knapp. "But it makes sense for the congressional delegation and individuals to see what they can do. Anybody marketing salmon can point out that wild salmon are natural. But how often does it (enter) someone's consciousness?"

An attractive government sticker sure would help, Knapp said.



Alaska Seafood

March 31, 1998

Representative Norm Rokeberg, Chairman
House Labor and Commerce Committee
State Capitol
Juneau, AK 99801-1182

Dear Representative Rokeberg:

The Alaska Seafood Marketing Institute (ASMI) supports HJR 65 by the House Resources Committee, requesting that Alaska wild salmon be included as an organic food under federal law, and asks that the House Labor and Commerce Committee give the measure favorable consideration.

Proposed rules now being considered by the U. S. Dept. of Agriculture do not provide for organic labeling of wild Alaska seafood. In addition, it is possible that they may restrict Alaska's use of words that would indirectly imply that a product is organic. These restrictions would have a detrimental effect on Alaska's seafood products industry. A cornerstone concept of ASMI's marketing program is the inherently natural quality of Alaska wild seafood, particularly salmon. This concept is a valuable tool for the Alaska Seafood Marketing Institute as it markets Alaska salmon in a highly competitive global market glutted with Norwegian and Chilean farmed salmon. Organic certification for Alaska's wild seafood will be valuable to the Alaska seafood industry as a whole and for the Alaska businesses that must aggressively pursue an increased share of the domestic market.

Thank you for your consideration.

Sincerely,

Barbara Belknap
Executive Director

Cordova District Fishermen United

Celebrating 63 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 / Telephone (907) 424-3447 / Fax (907) 424-3430

April 1, 1998

Oral testimony given re: HJR 65 (Relating to Alaska wild salmon inclusion under federal organic food standards)

Good afternoon. Mr. Chairman and committee members, my name is Cheri Shaw. I am Executive Director of Cordova District Fishermen United (CDFU) and will be speaking on behalf of CDFU and myself this afternoon.

CDFU supports HJR 65 and the effort it will create to allow wild Alaska salmon to be federally labeled as organic. While the market for wild salmon has been eroding due to the increasing production of farmed salmon, the organic market has been growing dramatically. As noted in HJR 65, in 1996 alone, sales were worth \$3.5 billion. Organic food sales have increased 20 to 25% in each of the last six years. Overseas, organic foods are even more popular.

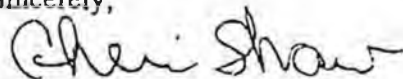
The commercial fishing industry has often been called the first permanent fund. With the high quality of management we find here in Alaska, the salmon fishing industry will pump millions, if not billions of dollars into the state's economy into perpetuity. Anything the legislature can do to help increase Alaska's salmon share in the global market will benefit all Alaskan's.

In conjunction with a passage of HJR 65 in the legislature, a letter writing campaign by all senators, representatives and the constituents they represent should be organized requesting the federal government allow wild harvested Alaska salmon to be labeled organic under the Organic Foods Production Act. This step forward will give the State and its salmon industry a valuable marketing edge they've both been searching for in this increasingly competitive global market.

The organic label will increase demand for Alaska wild salmon and should increase ex-vessel value thereby adding growth to the State's revenue in shared raw fish taxes. A win win situation for all.

Thank you for opportunity to testify on behalf of CDFU today. If you have any questions regarding my testimony, I will be happy to answer them at this time. Thank you for your consideration.

Sincerely,



Cheri Shaw, Executive Director
Cordova District Fishermen United

HJR

67

Alaska State Legislature

Committees:
Transportation, Chairman
Resources
Economic Development
Rules



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Representative William K. Williams

SPONSOR STATEMENT

HOUSE JOINT RESOLUTION 67 AIR FLIGHTS RUSSIAN FAR EAST

HJR 67 urges the U.S. Department of Transportation to negotiate renewal of the bilateral agreement to retain the mandatory stopover in Anchorage for transpacific flights between the Russian Far East and the U.S. The current bilateral agreement is due to expire in May of 1998.

It is important to continue mandatory stopovers of Russian air carriers to preserve the position of Anchorage as the American gateway to the Russian Far East.

In addition to close historical and cultural ties between the people of Alaska and the people of the Russian Far East, the state has established agreements with many Russian cities and territories to help with their transition into a market-based economy. Discontinuation of direct Alaskan air service would severely hamper these efforts.

Further, absent the agreement, Anchorage International Airport could see additional decline in international air traffic and local jobs.

In short, continuation of mandatory Russian stopovers in Anchorage is good for the state and good for the developing economies of the Russian Far East. To that end, I urge your swift passage of HJR 67.

MEMORANDUM

State of Alaska

TO: Deborah B. Sedwick
Commissioner

DATE: Monday, April 13, 1998

THRU: Priscilla Wohl *Priscilla Wohl*
Trade Program Manager

TELEPHONE NO: 269-6118

FROM: Patricia Ecker *Patricia Ecker*
Trade Specialist

SUBJECT: Retention of the Mandatory
Anchorage Stopover for
Russian Air Carriers

Peter Eckland of the House Transportation Committee called last week to request background on the U.S./Russia aviation talks scheduled for this month. He was specifically interested in the retention of the mandatory Anchorage stopover for Russian Air Carriers. The Alaska House of Representatives is considering a resolution to urge support of the retention. This memo covers what we have discussed in the past and will serve as a response to Mr. Eckland.

The U.S./Russia aviation talks in Washington, D.C. this month will focus on several issues, prime among them Russia's dislike for the mandatory Anchorage stopover for Russian air carriers. Other issues for the U.S. and its carriers are codesharing privileges and new air routes that Russia is not currently allowing.

This round of U.S./Russia talks have been ongoing for some time; the November 1997 meeting was not regarded as successful and the outlook for conclusion of a new agreement does not look good for the this month's session of the talks. Each session of talks has been particularly contentious ever since the U.S. and Russia negotiated the first post-glasnost aviation agreement.

The existing requirement for the mandatory Anchorage stopover applies to all Russian carriers operating on Pacific Routes between the Russian Far East (R.F.E) and the United States. The U.S. carrier operating regularly scheduled service on this route, Alaska Airlines, already operates its West Coast/Russian Far East flights with an Anchorage stopover. Alaska Airlines operates same plane service up the West Coast to Anchorage and over to the R.F.E. The effect of the mandatory stopover is to provide Anchorage with a higher level of service to the R.F.E. than might otherwise be expected for a community of this size. The mandatory stopover also ensured a level playing field for Alaska Airlines, a carrier that does not currently have long range aircraft in its fleet. Reeve Aleutian operates service to the R.F.E. that originates in Anchorage.

There are many beneficiaries of this mandated Anchorage stopover by Russian air carriers: 1) the people of Alaska (more trade and tourism, more frequent service, airport jobs), 2) Anchorage International Airport (rates and fees), and 3) Airport businesses and service providers (ground handlers, fuel providers, duty free operators, crew accommodation providers, etc.). Unfortunately, the numbers of arriving and transiting passengers on Russian carriers have been decreasing over the past five years. The first flurry of post-glasnost travel appears to have receded. Also, there is a trend that more of the passengers who are traveling choose to transit Anchorage to reach Seattle or San Francisco for shopping or business.

In 1993 and again in 1995, the U.S. and Russia held aviation talks. The Alaska Governor's Office, Alaska's Congressional Delegation and Anchorage International Airport actively lobbied the United States Department of Transportation (USDOT) to retain the mandatory Anchorage

stopover and were successful. The stopover was retained in the agreement.

In 1997, the Russians put in writing that their number one priority for a new agreement would be the removal of the mandatory Anchorage stopover. In September of 1997 I discussed the U.S./Russia aviation agreement directly with Assistant Secretary of USDOT Charles Hinnicutt who is responsible for international aviation policy recommendations for the United States. Governor Knowles subsequently wrote USDOT Secretary Slater in October 1997 to bring home the message that retention of the mandatory stopover is Alaska's number one priority. The Congressional delegation has also delivered to USDOT the message that the mandatory stopover is essential for Alaska.

There are U.S. carriers who would like to see the mandatory stopover removed so that they could enjoy certain air routes and codesharing privileges that Russia is currently (and unfairly) withholding. *United/N.W. Airlines*

To sum up, the bipartisan efforts of the Governor's Office and the Congressional Delegation have proven effective in the past. At the same time, there is more pressure on USDOT than ever before to remove the mandatory Anchorage stopover, so any additional signal of support is welcome and helpful, including the proposed resolution before the Alaska House of Representatives. The Governor's Office and the Congressional Delegation are continuing to play key roles in keeping this important stopover alive.

The general opinion is it will be difficult for the U.S. and Russia to reach agreement in this month's round of talks. The talks are likely to continue for at least one more additional round.

Cc
Morton V. Plumb, Director, Anchorage International Airport

*Amber 218 - Russian Route ASIA/N. America
not yet in use. could save passenger time*

*United Airlines/Lufthansa have a codesharing agreement
Russia doesn't recognize*