

# STATE OF ALASKA

## THE LEGISLATURE

1979

Source

Legislative  
Resolve No.

HCSSCR 22

26



Relating to the limited entry program.

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

WHEREAS art. VIII, sec. 15 of the Alaska Constitution provides that the state may "limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood"; and

WHEREAS AS 16.43 establishes the Alaska Commercial Fisheries Entry Commission and states the legislative purpose as promoting the conservation and sustained-yield management of the fisheries and the economic health and stability of the commercial fisheries by regulating and controlling entry into the commercial fisheries in the public interest and without unjust discrimination; and

WHEREAS under AS 16.43.240(b) the commission is authorized to limit entry into certain fisheries when it finds that a fishery has reached such levels of participation that limitation of entry to that fishery is required in order to achieve the purposes of AS 16.43; and

WHEREAS AS 16.43.240(b) does not specify a formula for the commission to determine the maximum number of permits authorized when limiting entry into a fishery under that section; and

WHEREAS in 1976, under AS 16.43.240(b), the commission decided to limit commercial fishing in the area known as Upper Yukon and set the maximum number of permits for the Upper Yukon as the number of units of gear fished in the Upper Yukon during 1975; and

WHEREAS major commercial fishing markets did not develop for many areas of the Upper Yukon fishery until after 1970; and

WHEREAS past participation in the commercial fishery of the Upper Yukon that led to a high degree of economic reliance upon the commercial fishery included barter and sale of fresh, smoked and dried fish products within the region and indirect sales through intermediaries to fish buyers; and

WHEREAS past participation in and economic reliance upon the operation of gear in the commercial fishery of the Upper Yukon was not restricted to persons holding a gear license or a fishwheel registration; and

WHEREAS it appears that some persons who have participated for many years in the Upper Yukon commercial fishery and had a high degree of economic reliance upon the fishery may have been excluded from receiving an entry permit;

BE IT RESOLVED by the Alaska State Legislature that the Alaska Commercial Fisheries Entry Commission is respectfully requested to determine which interested persons with past participation in and economic reliance (including the barter and sale of fresh, smoked and dried fish products) on the commercial fishery of the Upper Yukon since 1960 through the operation of gear, regardless of whether those persons held a gear license or a fishwheel registration, have not been issued a permit; and be it

FURTHER RESOLVED that the Alaska Commercial Fisheries Entry Commission is respectfully requested to determine whether the maximum number of permits set for the Upper Yukon fishery is consistent with the objectives of AS 16.43; and be it

FURTHER RESOLVED that the Legislative Limited Entry Study Committee, with the cooperation of the Alaska Commercial Fisheries Entry Commission, is respectfully requested to determine whether controlling entry into the commercial fisheries in the Upper Yukon has resulted in any unjust discrimination and to determine what options are available to the legislature to correct any unjust discrimination; and be it

FURTHER RESOLVED that the Alaska Commercial Fisheries Entry Commission and the Legislative Limited Entry Study Committee are respectfully directed to report their findings and conclusions within the first 10 days of the Second Session of the Eleventh Legislature.