

STATE OF ALASKA
THE LEGISLATURE

1996

Source

SCS CSHJR 38(RLS) am S

Legislative
Resolve No.

37



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

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

WHEREAS the Magnuson Fishery Conservation and Management Act (Act) established a fishery conservation zone, now known as the exclusive economic zone (EEZ), out to 200 miles from the shoreline of Alaska and the other states to protect, conserve, and manage the extensive fisheries resources of the continental shelf; and

WHEREAS coastal communities of Alaska lie adjacent to, and depend upon, the fishery resources of the federally managed EEZ in the Bering Sea, Gulf of Alaska, and North Pacific Ocean off Alaska; and

WHEREAS the Act provides for the management of the fishery resources of the EEZ through regional fishery management councils and by the National Marine Fisheries Service; and

WHEREAS, in October 1995, the United States House of Representatives overwhelmingly passed H.R. 39, Congressman Don Young's bill to reauthorize the Act, with strong conservation provisions and language protecting Alaska's family fishing operations, and the United States Senate is currently considering the reauthorization of the Act; and

WHEREAS several issues of national and regional importance are being considered as part of the reauthorization process for the Act;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the Congress to reauthorize the Magnuson Fishery Conservation and Management Act with the following provisions to

(1) authorize the regional fishery management councils to minimize the bycatch of unwanted species, sizes, or sexes of fishery resources and to promote full utilization of fishery resources;

(2) prohibit regional fishery management councils from setting fishing levels above the sustainable yield, and require the councils to establish measurable and objective criteria to determine what constitutes overfishing in a fishery while also establishing rebuilding programs for a fishery that meets the criteria for overfishing;

(3) request that the National Marine Fisheries Service work with the regional fishery management councils on conservation and management measures to protect essential fisheries habitat from adverse effects;

(4) establish reasonable restrictions on direct, personal, and financial conflicts of interest by members of the regional fishery management councils, provided that those restrictions recognize that minor insignificant conflicts are inevitable and acceptable given the nature of the membership of the regional fishery management councils;

(5) establish a moratorium, for the duration of this reauthorization of the Act, upon the establishment and implementation of individual fishery quota systems for federally managed fisheries and a prohibition against the development of a new individual fishery quota system for the duration of this reauthorization of the Act;

(6) provide a portion of the annual harvest in a fishery subject to individual fishery quotas for entry level fishermen or small vessel owners who do not hold individual fishery quotas;

(7) require a portion of any fees or rents collected from federally managed fisheries be distributed to the adjacent coastal states for fishery conservation and management purposes;

(8) require that any federal fee system for federally managed fisheries allow a deduction for other local, state, and federal fishing fees and taxes that are paid by fishermen;

(9) amend 16 U.S.C. 1856 to authorize the extension of state jurisdiction into the exclusive economic zone when a North Pacific Fishery Management Council fishery management

plan does not exist; and

(10) authorize the establishment and implementation of community development quota or community protection set-aside programs for the Bering Sea and Aleutian Islands areas to aid fishery development and recognize the economic dependence of coastal communities upon fishing; and be it

FURTHER RESOLVED by the Alaska State Legislature that fees, taxes, or royalties levied on the harvesting or processing of fishery resources in the exclusive economic zone must recognize and give credit for other federal, state, and local fees, taxes, and royalties also levied on those same activities and that revenue derived from fees, taxes, or royalties levied on the harvesting or processing of fishery resources in the exclusive economic zone be utilized for the management, enforcement, research, and administration of fishery programs in the areas where the revenue was derived; and be it

FURTHER RESOLVED by the Alaska State Legislature that the National Marine Fisheries Service should receive the funding necessary to provide the regional fishery management councils with sufficient biological information to implement controls against overfishing and with the research needed to understand and manage fishery resources; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully opposes any proposal to alter the established composition of the North Pacific Fishery Management Council.

COPIES of this resolution shall be sent to the Honorable Frank Murkowski, Chair, United States Senate, Committee on Energy and Natural Resources; the Honorable Don Young, Chair, United States House of Representatives, Committee on Resources; and to the Honorable Ted Stevens, Chair, United States Senate Subcommittee on Oceans and Fisheries of the Committee on Commerce, Science, and Transportation.