

STATE OF ALASKA
THE LEGISLATURE

1997

Source
HR 34

Legislative
Resolve No.
33



Relating to proposed regulations of the North Pacific Fishery Management Council creating a new discriminatory halibut fishery in Alaska.

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

WHEREAS the North Pacific Fishery Management Council (NPFMC) has recently been urged to initiate a regulatory amendment outlining options for addressing certain unlawful practices in the conduct of personal consumption halibut fisheries in Alaska; and

WHEREAS the NPFMC Halibut Subsistence Committee has developed proposed regulatory options that include the creation of discriminatory qualifications based on race and residency; and

WHEREAS there is questionable legal authority for the NPFMC to adopt discriminatory regulations, especially those that are racially constructed; and

WHEREAS the proposed regulatory options provide the potential for an expanding new fishery on a resource that is currently fully allocated; and

WHEREAS the proposed regulatory options include possible commercial sale of subsistence caught halibut in violation of existing state law; and

WHEREAS the passage of the proposed special interest regulations will create major enforcement problems for federal and state enforcement officials throughout the coastal areas

of Alaska; and

WHEREAS the Twentieth Alaska State Legislature is supportive of providing adequate legal means for Alaska residents to harvest fish and wildlife to meet their personal consumption needs; and

WHEREAS the Twentieth Alaska State Legislature is equally concerned about its constitutional responsibilities to provide for the "sustained yield" of Alaska's renewable resources by assuring that the first basic concern is the protection of the resource base; and

WHEREAS the proposed regulations discriminate against many major coastal communities and will create serious racial, social, and economic conflicts within the coastal communities of Alaska; and

WHEREAS all Alaskans have a personal use catch limit of two halibut a day, and the creation of this type of new fishery is not needed to meet the personal consumption needs of Alaskans; and

WHEREAS alternative regulatory options for personal consumption should be considered, such as special seasons, special methods and means, and special areas for harvesting halibut for personal consumption; and

WHEREAS the Alaska delegation in Congress, the Governor's office, and the Alaska State Legislature are already working hard to find common ground and permanent solutions to the already serious conflicts existing between state and federal laws over fish and wildlife management in Alaska; and

WHEREAS the passage of this type of new fishery as proposed under all identified options will result in the further polarization of positions regarding state and federal jurisdictional conflicts;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the North Pacific Fishery Management Council and the Secretary, United States Department of Commerce, to provide for personal use fisheries for halibut by all Alaskans through modification of existing regulations, such as special seasons and special methods and means, to provide a reasonable opportunity to meet personal consumption needs; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests that the North Pacific Fishery Management Council reject regulations designed to divide Alaskans along ethnic or other discriminatory lines.

COPIES of this resolution shall be sent to the Honorable William M. Daley, Secretary, United States Department of Commerce; Rick Lauber, Chair, North Pacific Fishery Management Council; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.