

SENATE JOINT MEMORIAL NO. 11.

TO THE PRESIDENT OF THE UNITED STATES, THE PRESIDENT OF THE UNITED STATES SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE SECRETARY OF COMMERCE, THE COMMISSIONER OF THE BUREAU OF FISHERIES, AND THE DELEGATE FROM ALASKA:

Your Memorialist, the Legislature of Alaska, in regular session assembled, respectfully represents:

I. That, WHEREAS, the Act of Congress of June 18, 1926, entitled "An Act to amend Section 1 of the Act of Congress of June 6, 1924, entitled, 'An Act for the protection of the fisheries of Alaska, and for other purposes', in the first section of said Act, and its first proviso, declares, 'That every such regulation made by the Secretary of Commerce shall be of general application within the particular area to which it applies, and that no exclusive or several right of fishery shall be granted therein, nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish in any area of the waters of Alaska where fishing is permitted by the Secretary of Commerce'."

44 U. S. Stat. L. 752.

II. That, WHEREAS, under the authority of the several United States fishery laws applicable to the public waters in Alaska, the Secretary of Commerce has heretofore made and promulgated rules and regulations having the force of laws to control and protect the salmon fisheries in those waters; these rules and regulations are found in the Department of Commerce Circular No. 251, 19th Edition, dated Dec. 20, 1932, signed officially by E. F. Morgan, Acting Secretary of Commerce, with some subsequent amendments issued by the same official.

III. That, WHEREAS False Pass (Isanotski Strait), separating Unimak Island from the western end of the Alaska Peninsula, and Ikatán Bay, lie wholly within the Alaska Peninsula Area, Ikatán Bay and False Pass constitute the first opening coming westward along the Alaska Peninsula from the Pacific Ocean through and into Bristol Bay, and affords the first chance the Pacific salmon hordes have as they swim north and westward from their winter resorts in the more southerly Pacific waters to enter Bristol Bay enroute to their natural spawning beds in the streams and lakes at the head of Bristol Bay; False Pass (Isanotski Strait) is a very narrow and shallow body of water, and at low tide the salmon do not pass; when the spring run of Bristol Bay red salmon are seeking their spawning grounds through False Pass they huddle in countless millions in Ikatán Bay, the southern entrance to False

Pass, waiting for the rising tide on which they go through the Pass into Bristol Bay. Ikatan Bay is the natural gathering place of the greatest and most valuable horde of Alaska red salmon to be found along the Alaskan coast; a monopoly of the trap privileges in taking and canning these fish in that bay and pass is of exceeding great value.

IV. That, WHEREAS, paragraph 23, page 13 of Circular 152, 19th Ed. as amended in Additional Alaska fishery regulations issued and signed by the Secretary of Commerce on January 6, 1933 provides: "The use of any trap for the capture of salmon is prohibited except as follows: 1. Unimak Island: Along the coast on the west and south sides of Ikatan Bay from a point on False Pass (Isanotski Strait) indicated by a marker to a point"—including the lower part of False Pass and the whole west and south shore of Ikatan Bay: "And 2. The mainland along the north side of Ikatan Bay within 2500 feet of a point"—there fixed; traps are prohibited at all other places along the shores of False Pass and Ikatan Bay. Paragraph 10, page 13, also provides, "10. The use of floating traps for the capture of salmon is prohibited." Par. 12, provides: "The use of purse seines for the capture of salmon is prohibited"—in False Pass and Ikatan Bay; par. 19 provides: "Commercial fishing for salmon by gill nets, including drift nets and set nets, is prohibited west of 161 degrees west longitude, exclusive of waters along the Bering Sea coast"—False Pass and Ikatan Bay are west of 161 degrees, Par. 20 provides: "Commercial fishing for salmon by means of stake nets, except along the Bering Sea Coast, is prohibited": Par. 2, page 12 of the Rules and Regulations governing the Alaska Peninsula Area, provides: "2. In the waters along the south side of Alaska Peninsula from Cape Tolstoi to Castle Cape, including the waters of Shumagin and other adjacent islands, the 36-hour closed period for salmon fishing prescribed by section 5 of the Act of June 6, 1924, is hereby extended to include the period from 6 o'clock post meridian of Saturday of each week until 6 o'clock post meridian of the Wednesday following, making a weekly closed period of 96 hours, etc."; Par. 3, following provides: "3. In all other waters of this area the 36-hour closed period for salmon fishing prescribed by section 5 of the Act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian of the Saturday of each week until 6 o'clock antemeridian of the Monday following, making a weekly closed period of 48 hours, etc.";—Ikatan Bay and False Pass lie about 100 miles west of the region described in Par. 2; the weekly closed period in Ikatan Bay and False Pass is by 48 hours long, thus having under these Rules and Regulations, two days each week longer fishing period than any other waters in any part of the Alaska Peninsula Area, it has more protection un-

der the rules and regulations and less restrictions than any other fishery in the Territory.

V. That, WHEREAS, it appears to us from available information that the exclusive and almost unrestricted right to take Alaska salmon from False Pass and Ikatan Bay has long been under the ownership and control of the P. E. Harris Company and the Pacific American Fisheries Company, two non-Alaskan corporations engaged in taking and canning salmon in said waters; that both these companies have long maintained salmon fish traps in the mouth of False Pass and on the west and south sides of said pass and bay; that in the fishing season of 1932 the Harris Company took the salmon from False Pass and Ikatan Bay and canned 252,824 cases of 48 one-pound cans to the case; that the Pacific American Fisheries Company in that season took the salmon from the same waters and canned 69,824 cases of 48 one-pound cans to the case; a total of 322,781 cases containing 15,493,488 pounds—nearly 8,000 tons—of Alaska salmon from False Pass and Ikatan Bay; the average price of similar grades of Alaska salmon from the ten years past, including 1932, is the sum of \$6.88 per case; at that ten-year average price the 322,781 cases taken from False Pass and Ikatan Bay by these two companies in 1932 would be \$2,220,733.00; the average price per case for that salmon in 1932, however, was reduced to the sum of \$4.06 per case, but at that 1932 average price (the lowest in ten years) the value of the 1932 False Pass and Ikatan Bay pack was \$1,310,490.00, all of which belonged to the two said companies; that the cost of production of canned salmon in False Pass and Ikatan Bay is exceedingly low; all their salmon are caught in traps belonging to the companies which are located in the mouth of False Pass and on the west and south shore of Ikatan Bay; they transport their fish from their own traps in their own boats and scows to their own nearby canneries, and there they are prepared and canned.

VI. That, WHEREAS, it appears to us from a fair consideration of the said fishery Rules and Regulations so heretofore approved and enforced by the Secretary of Commerce in their application to the natural conditions which exist at False Pass and Ikatan Bay, that the Harris Company and the Pacific American Fisheries Company, with the connivance and permission of those who make and enforce the Rules and Regulations are allowed to carry on their own exclusive and several right of fishery in one of the most important salmon streams in Alaska, and under unfair and illegal conditions are permitted to obstruct the ascent of these great salmon hordes in their efforts to reach their spawning grounds in the streams and lakes at the head of Bristol Bay; to secure for themselves an unfair and illegal advantage to the injury

of the salmon industry by blocking the streams through which the fish get into Bristol Bay, with traps set in the flow of the stream and thus violate the spirit of the Act of Congress which forbids the establishment of traps at or near the flow of salmon streams; that the unfair but friendly Rules and Regulations prepared and enforced at this place by the Secretary of Commerce has created an unfair and illegal monopoly of right in these two cannery and trap companies, give them special privileges not possible to accord to any other person or company, and excludes all other persons and companies, Alaska and / or the Union or other fisherman from fishing in this location, thereby violating the spirit and letter of the Act of Congress or June 10, 1926.

WHEREFORE, your Memorialist, the Legislature of the Territory of Alaska, in regular session assembled, does most earnestly request that the United States authorities take such immediate action to reduce the number of traps and restrict the days of fishing equal to those allowed in adjacent districts, and that such further action be taken as will prevent any person or company from acquiring an exclusive or several right of fishery therein, and that all American purse seiners and gill netters be given equal right to fish therein while protecting the free flow of salmon through the False Pass stream.

And so your Memorialist will ever pray.

Passed the Senate, May 2, 1933.

Passed the House, May 4, 1933.