

## **ALASKA BOARD OF FISHERIES**

### **A RESOLUTION IN SUPPORT OF LEGISLATION TO AUTHORIZE THE ALASKA BOARD OF FISHERIES TO ALLOCATE TO COMMERCIAL FISHING COOPERATIVES**

**2006-245-FB**

February 26, 2006

WHEREAS on February 9, 2006, the Alaska Supreme Court issued an Order invalidating 5 AAC 13.359, the Chignik Cooperative Fishery Management Plan; and

WHEREAS the Supreme Court's latest decision also effectively invalidates 5 AAC 27.894, a regulation authorizing cooperative herring fishing at Nunivak Island, which represents the only realistic opportunity for an economically viable fishery in a rural community with limited economic alternatives; and

WHEREAS the Supreme Court's decision also raises serious questions about other regulations that allow cooperation among multiple permit holders in other fisheries; and

WHEREAS the Supreme Court's decision also raises questions about the enforceability of private cooperative and risk sharing agreements used in numerous fisheries across the state; and

WHEREAS since 2001, the Board of Fisheries has received extensive testimony from biologists and fishermen supporting cooperative style fisheries; and

WHEREAS the conservation benefits of the cooperative fisheries have been consistently demonstrated by enabling the Department to meet daily escapement goals with unequalled precision; and

WHEREAS the Chignik Cooperative Fishery Management Plan has permitted progressive and innovative fish harvesting and handling methods in the State of Alaska and have permitted the production of an improved, high quality fish product that has produced economic benefits for Chignik fishermen; and

WHEREAS the decision of the Alaska Supreme Court to invalidate 5 AAC 13.359 limits the Board of Fisheries' ability to respond to issues facing Alaska's commercial salmon fishing industry; and

WHEREAS management of Alaska fisheries by the courts is, for many reasons, undesirable; and

WHEREAS the Board of Fisheries is the appropriate agency to listen to and evaluate public testimony from fishermen, fish processors, fishery biologists, and other fishery resource users, and the Board is the appropriate governmental agency to devise strategies and adopt regulations that will provide for economically healthy fisheries and sound biological conservation, economic development, and utilization; and

WHEREAS Alaska's Limited Entry Act was never intended to limit the powers of the Board of Fisheries to adopt regulations as needed for the conservation, development, and utilization of Alaska's fisheries (SEE: AS 16.05.251(a)(12) and AS 16.43.950(a)); and

WHEREAS legislation is necessary to provide the authority to the Board of Fisheries to consider regulations to authorize cooperative fisheries; and

WHEREAS legislation is necessary during the 2006 session of the Alaska Legislature in order to restore the original legislative intent of the Limited Entry Act that AS 16.43 does not limit the powers of the Board of Fisheries, including the ability to allocate to commercial fishing cooperatives; and

NOW THEREFORE BE IT RESOLVED that the Board respectfully requests the Alaska Legislature to consider legislation during the 2006 session of the Alaska Legislature, effective immediately, that specifies that:

- (a) the Limited Entry Act does not limit the powers of the Board to adopt regulations for conservation, development, and utilization of fisheries resources, including the ability to allocate to commercial fishing cooperatives, and which also specifies that
- (b) the Board of Fisheries has the power to adopt regulations for conservation, development, and utilization of fisheries resources, including the ability to allocate to commercial fishing cooperatives

ADOPTED: February 26, 2006  
Ketchikan, Alaska

Vote: 6/0  
(Campbell absent)

  
\_\_\_\_\_  
Art Nelson, Chair