

Introduced by: Hodgins
Date: April 16, 1991
Action: ADOPTED
Vote: UNANIMOUS

KENAI PENINSULA BOROUGH

RESOLUTION 91-44

REQUESTING THE STATE BOARD OF FISHERIES TO IMPLEMENT SUBSISTENCE FISHERY REGULATIONS IN A CONSISTENT AND UNIFORM MANNER THROUGHOUT THE STATE AND NOT USE DIFFERENT CRITERIA FOR COOK INLET AND THE KENAI PENINSULA BOROUGH

WHEREAS, the Board of Fisheries met in November, 1990 after the McDowell decision and established a new subsistence fishery for all Alaskans in Upper Cook Inlet, and;

WHEREAS, subsequent to establishing the new Cook Inlet subsistence fishery, the Board of Fisheries determined that:

a) "Application of the subsistence statute after the McDowell decision would have resulted in regulations that were not consistent with the original intent of the legislature," and

b) Any actions on proposals would be "profoundly disruptive to the established customary and traditional subsistence uses as well as commercial and non-commercial uses of the resource" and;

WHEREAS, the Board of Fisheries has deferred consideration of subsistence proposals in other areas of the state until they have "some new tools and direction" as per their letter of February 28, 1991, and;

WHEREAS, if the subsistence fishery in Cook Inlet is allowed to proceed on schedule with the first scheduled openings to occur on the East Side beaches in May, 1991, the fishery will not be consistent with the original intent of the legislature, will be disruptive of commercial and non-commercial fisheries and Cook Inlet will have been treated differently from other areas of the state, and;

WHEREAS, the social and economic values of commercial and non-commercial fisheries are of great importance to the Kenai Peninsula Borough, and;

WHEREAS, the Attorney General is advising the Boards of Fisheries and Game that without a clear expression of Legislative intent in statute, subsistence fisheries should be open to all Alaskans;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1: That the Governor of the State of Alaska is hereby requested to delay implementation of the new subsistence fishery in Upper Cook Inlet until the legislature has clearly expressed its intent in statute so that all areas of the state can be treated equally.

Section 2: The Alaska State Legislature is requested to place their intent in statute as soon as possible so that the Board of Fisheries and Game have the tools and direction they need to establish regulations consistent with the original intent of the legislature.

Section 3: That copies of this resolution be sent to Governor Walter Hickel, Lt. Governor Jack Coghill, Commissioner of Fish and Game Carl Rosier, to the members of the Boards of Fish and Game, and to the Kenai Peninsula Legislative delegation, and to the Resource Committees in the Alaska Senate and House.

Section 4: That this resolution take effect immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 16th DAY OF April, 1991.


James W. Skogstad, Assembly President

ATTEST:


Acting Borough Clerk