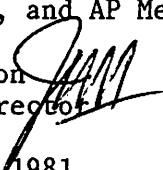


M E M O R A N D U M

TO: Council, SSC, and AP Members

FROM: Jim H. Branson
Executive Director 

DATE: November 27, 1981

SUBJECT: Foreign Processing in State Waters

ACTION REQUIRED

Affirmation of Council position on foreign processing in state waters.

BACKGROUND

The current issue of foreign processing in State internal waters came to the Council's attention in April 1981 when John Gissburg reported on the Bering Sea Herring Marketing Association's lawsuit to enjoin the state from prohibiting foreign processing in State internal waters. Public testimony from that Council meeting was in general opposition to allowing foreign processors in State waters.

The subject was debated at length at the June 1981 Council Chairmen's meeting in Homer in light of Senator Stevens draft interim legislation which would, for 1981, leave the determination whether or not to allow foreign processors in State internal waters to the discretion of the governor of the state involved with Secretarial concurrence. The Chairmen were unable to agree and, therefore, no position was taken.

The general stance of the North Pacific Council, though never specifically stated in the record, has been that foreign processing in State waters may be allowed with the concurrence of the governor of the state concerned. Don Bevan testified to this effect before the House Subcommittee for Fisheries and Wildlife Conservation and the Environment on September 24. He explained that historically foreign processors have been allowed into Alaska's internal waters at times when domestic processing capacity has been insufficient to handle unexpectedly large runs of salmon or herring.

The State's Task Force for this issue met in Anchorage on Monday, November 30, to formulate the State's final position. Current developments should be available from Ron Skoog.

PM

DEC81/T1