

agreement allows paving of Haines cutoff

OTTAWA—Canadian and American officials have successfully concluded negotiations for an agreement for a highway rebuilding and paving project in northern British Columbia and the Yukon.

In making the announcement today, the Honourable Judd Buchanan, Minister of Public Works, said that the formal exchange of diplomatic notes between Canada and the United States would take place very shortly.

Mr. Buchanan was referring to the 322 miles of highway between Haines, Alaska and the Yukon-Alaska border which has been the subject of discussions since 1973, when the U.S. Federal Aid Highway Act authorized the entry into an agreement with Canada to upgrade this connecting link between the Pacific Ocean in the Alaska Panhandle and the Alaskan border with the Yukon. The agreement calls for the United States to provide the

funding for the project.

Mr. Buchanan went on to say that senior officials of his Department, who have been carrying out the negotiations, had reached agreement with British Columbia and the Yukon on general aspects of the project.

The Honourable Alex Fraser, Highways Minister for British Columbia and Dr. A.M. Pearson, Commissioner of the Yukon, have both expressed keen interest in the project and feel that the work will be of great benefit to the construction industry as a whole and to the contractors of their regions as well.

The terms of the agreement between Canada and the United States call for the United States to provide funds for the reconstruction and paving; British Columbia, as its contribution, will provide the additional right-of-way required and the use of natural construction materials within its boundaries. The Department of Public Works will manage the project and will set

up and administer the committees required to define construction schedules and procedures. The United States Federal Highway Administration will review the program for the United States.

Before any construction begins, an environmental impact study will be carried out and appropriate follow-up public meetings will be held.

This program will provide an improved and safer road from Haines, Alaska, the northern terminus of the Alaska Ferry System, to the Yukon-Alaska border, which will be accessible to American, as well as to Canadian traffic. The total highway distance involved is 322 miles with 52 miles of the Haines Road in British Columbia and 65 miles in the Yukon, plus 205 miles of the Alaska Highway between Haines Junction and the Alaska-Yukon border.

The Canadian government's negotiations with the United States and other levels of govern-

ment have been handled by an interdepartmental committee made up of members from the Departments of Public Works, Environment, Transport, Ex-

ternal Affairs, Indian and Northern Affairs, Justice, as well as the Privy Council and the Treasury Board.

Chaninik Cooperative opens new store

The Chaninik Cooperative, located in Kwigillingok, a village of approximately 201 residents on Kuskokwim Bay, is now putting the finishing touches on their newly constructed store. The new, 24 ft. by 52 ft., store is scheduled to be operational by mid-December with Jones Anaver managing a \$15,000 inventory of groceries, dry goods, hardware, and other consumables.

The project, spearheaded by David O. David, president of the co-op, is financed by a \$46,628 loan from Community Enterprise Development Corporation. The Chaninik Cooperative, in addition, is contributing \$15,990 in cash,

accounts receivable, and merchandise inventory to the project.

The new co-op store is a much needed improvement over the old store, which was located about a mile from the main part of the village and enclosed only 400 square feet. The 1,200 square foot facility will greatly enhance the co-op's ability to meet its economic objective for improvement in the quality, price, and availability of goods which it buys for its members.

Supreme Court upholds Alaskan management of extraterritorial fisheries

With one dissenting vote, the Alaska Supreme Court reiterated its position that the State of Alaska can regulate fishing beyond the three-mile limit providing it is shown such regulation furthers a legitimate state interest and that the regulation is applied against persons having a certain minimum relationship with the state.

In so holding, the high court overturned a Superior Court Order which had reversed the conviction of a Seward scallop fisherman, Walter K. Sieminski, who was charged in the summer of 1973 with violating Alaska's fishing laws. The court sent the case back to Superior Court for further proceedings.

In a majority opinion written by Justice Jay A. Rabinowitz, the high court said that regulations governing the fishing for scallops beyond the three-mile limit are a legitimate extension of the state's police powers to manage and conserve its fishery resource.

A similar position was pronounced by the court in January of this year in State v. Bundrant. The court then said the State of Alaska may adopt and enforce regulations governing king crab fishing beyond the territorial limit. The court also said these regulations may be enforced not only against Alaska citizens, but also against citizens of other states if they have close contacts with Alaska. The U.S. Supreme Court recently refused to accept an appeal of that decision.

Pointing out that Alaska's scallop fishery brought in over \$1 million annually to fishermen between 1968 and 1972, the court in the Sieminski case said that in order to protect and develop the fishery, the state found it necessary to regulate the taking of scallops.

"The need for regulation in the scallop industry stems from biological factors similar to those found in the crab industry," Justice Rabinowitz wrote. "Like crab, scallops are migratory and those taken within the territorial waters are indistinguishable from those taken without."

The case arose when a criminal complaint was filed

against Sieminski alleging that on June 7, 1973, he had fished for and taken scallops nine miles offshore at Sithilidak Island, in waters generally southeast of Kodiak Island.

Sieminski was found guilty in Kodiak District Court of violating a state law which makes it illegal for a person to "take, possess, transport, sell, purchase, or offer to purchase fish, game, or marine aquatic plants—" unless otherwise permitted by law or regulation. He was fined \$1,000.

Sieminski appealed his conviction to Superior Court. He claimed the state law did not apply beyond the territorial limit of three miles beyond the Alaska coast. According to Sieminski, any attempt by the state to regulate fishing beyond territorial waters violated the supremacy clause of the federal constitution. The federal government, Sieminski argued, had exclusive jurisdiction over ocean resources beyond the three-mile limit.

The lower court set aside Sieminski's conviction, apparently on the basis of two rationales. The first was that the law was invalid because it exceeded the state's police power since it purported to regulate an extraterritorial resource. The second was that the law attempted to regulate a natural resource of the seabed, which belonged primarily to the federal government. The Superior Court ordered that Sieminski be acquitted and the state appealed that decision to the Supreme Court.

In reversing the Superior Court's order that Sieminski be acquitted, Justice Rabinowitz, in an opinion concurred in by

Justices Robert Erwin, Edmond Burke and Chief Justice Robert Boochever, said the lower court erred in its decision. Justice Roger G. Connor dissented, as he did in the Bundrant decision, on the ground that state regulation of fisheries beyond the three-mile limit is preempted by federal law.

Justice Rabinowitz said the enforcement of the state's regulatory scheme in this particular case was within the state's prerogative to regulate extraterritorial fishing. Indicating that scallops, like crab, migrate back and forth across the three-mile line, the court said that to protect scallops within Alaska territorial waters, it is necessary to regulate the taking of scallops beyond those waters.

Pointing out that scallop dredging indiscriminately crushed crabs and other shellfish as it gathered its catch, the court said the state had a valid interest in protecting both the crab and scallop industries by regulating the taking of both crabs and scallops and to some extent completely forbidding the taking of scallops.

The court majority acknowledged that paramount rights in the seabed and subsoil beyond the three-mile limit are vested in the federal government. However, according to the court, "the principle of federal exclusivity does not preclude state regulation of fishery resources in the waters over that seabed."

In reversing the Superior Court the Supreme Court returned the case for further briefing and consideration on an additional issue earlier raised by Sieminski.



INVENTORY-CEDC Field Accountant Marty Corcoran check materials for Chaninik Cooperative Store.

For free sponsored 16 MM film short subjects write Dick Norman at

PICTURES, INC.

811 8th Ave., Anchorage
—Serving Alaska Since 1939—

AL WRIGHT'S AIR SERVICE

- charter service
- Alaska & Canada
- single & multi-engine
- fish-duck camp

—Floats—Wheels—Skis—

WRITE OR CALL

AL WRIGHT OR
BOB BURSIEL
Airport East Ramp
456-5502

TANNED SKINS FOR SEWING

Hairseals, Wolverines, Natural Beaver, Indian Smoked Moosehide, etc. We also buy all Raw Furs.

GEORGE
'LARRY'
KRITCHEN

Box 387
Dordova, Alaska 99574

FEL-AIR

Air Charter Service to All North slope villages

Business men, tourists, community developers and Passenger Service and Freight

FIVE PLANES

Two planes with Twin Engines

BARROW, ALASKA
P.O. Box 547

call

852-5900

ANNOUNCING OUR NEW ADDRESS:



Iroquois Research Institute
3251 Old Lee Highway
Suite 414
Fairfax, Virginia 22044

Larger offices for staff and laboratory, better to serve.

An Alaska company, staging out of Virginia, year-round, since 1971.

Bernard W. Poirier
Director

Tel: (703) 273-3166

Mail orders welcome
Custom made nugget jewelry
Watch repair

Perdue Jewelry

706 Noble • 456-5105

ALASKA CENTRAL AIR

formerly
Tanana Air Taxi

456-4411 or 452-4797

ALASKA CENTRAL AIR
100% OWNED & OPERATED BY ALASKANS
SERVING THE STATE OF ALASKA