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NEWS RELEASE



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U.S. Supreme Court Declines to Consider Challenge to Nonresident Commercial Fishing Fees

(Juneau, AK) – The United States Supreme Court denied a request from nonresident commercial fishers yesterday to review decision by the Alaska Supreme Court in a nineteen-year-old challenge to Alaska’s nonresident commercial fishing fees.

“This is a positive step that will allow the Alaska courts to continue on their way toward resolving this long-standing dispute,” said Attorney General Gregg Renkes.

Nonresident commercial fishers filed a class action lawsuit against the state in 1984 entitled *Carlson v. Commercial Fisheries Entry Commission*. The suit challenged the state’s practice of charging nonresidents higher annual fees for commercial fishing permits and crewmember licenses than it charges Alaska residents.

The Alaska Supreme Court has ruled three times in the *Carlson* case. In its most recent decision, issued last March, the court affirmed an earlier ruling that Alaska may charge nonresidents higher fees that are proportionate to the petroleum revenues spent by the state to support commercial fisheries.

Attorney General Renkes pointed out that Alaska follows the practice of every other coastal state in charging nonresidents higher fees.

“The state devotes some of the petroleum revenues that belong to Alaskans to pay for managing and enhancing commercial fisheries,” Renkes added. “It is only fair that nonresidents be charged higher fees to compensate for those payments.”

The *Carlson* plaintiffs urged the Supreme Court to rule that the state’s fees must be measured under the Commerce Clause of the federal constitution. They argued that this clause would not allow Alaska to charge nonresidents even the slightest amount more than residents.

Attorney General Renkes noted that the plaintiffs have failed before in that argument. “In 1997, they asked the court to review the fees under the Commerce Clause. Then, as now, the court declined.”

Proceedings in *Carlson* will now shift back to the Alaska courts. Among other issues, the courts must decide whether the fees that the state has charged nonresidents over the past nineteen years are substantially more than what the U.S. Constitution allows.

According to Assistant Attorney General Stephen White, “The state will show that, on average, nonresidents have paid fees that are in line with the amount allowed by the constitution.”

State attorneys predict that there will be additional litigation before *Carlson* is finally resolved.

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