

CS FOR HOUSE BILL NO. 538(2d FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 4/19/96

Referred: Rules

Sponsor(s): HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to vessels participating in the Bering Sea Korean hair crab
2 fishery; relating to a vessel permit limited entry system; and providing for an
3 effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that
6 (1) fishing effort in the Bering Sea Korean hair crab fishery has reached levels
7 that may threaten the economic welfare of the fishery, the overall efficiency of the fishery,
8 and the sustained yield management of the Bering Sea Korean hair crab resource;

9 (2) the conventional limited entry system under AS 16.43 will not adequately
10 protect the economic health and stability of the fishery or promote the sustained yield
11 management of the Bering Sea Korean hair crab fishery resource;

12 (3) the Bering Sea Korean hair crab fishery should provide for some entry
13 level opportunities for fishermen;

14 (4) establishment of a vessel permit system for the Bering Sea Korean hair

1 crab fishery that occurs beyond five miles from shore will promote the purposes of art. VIII,
2 sec. 15, Constitution of the State of Alaska, and of AS 16.43, if the system maintains the
3 current levels of fishing capacity in the fishery;

4 (5) establishment of a moratorium on the issuance of vessel permits to new
5 vessels seeking to enter the Bering Sea Korean hair crab fishery that occurs beyond five miles
6 from shore promotes the purposes of art. VIII, sec. 15, Constitution of the State of Alaska, and
7 of AS 16.43 while providing an opportunity to study and evaluate the feasibility of a
8 permanent vessel permit limited entry system for the Bering Sea Korean hair crab fishery and
9 other fisheries;

10 (6) a limitation on the size of vessels engaged in the near shore fishery for
11 Bering Sea Korean hair crab is necessary to provide an opportunity for the small boat fleet
12 of the state to participate in the fishery, allow increased participation in the fishery without
13 jeopardizing sustained yield management and viability of the Bering Sea Korean hair crab
14 resource and fishery, and foster economic development.

15 (b) It is the intent of the legislature that the Board of Fisheries maintain 100 percent
16 observer coverage for all vessels engaged in taking Bering Sea Korean hair crab.

17 * **Sec. 2.** AS 16.05.835 is amended to read:

18 Sec. 16.05.835. MAXIMUM LENGTH OF SALMON SEINE AND
19 CERTAIN KOREAN HAIR CRAB VESSELS. (a) A salmon seine vessel may not
20 be longer than 58 feet overall length except vessels that have fished for salmon with
21 seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard
22 register length vessels.

23 (b) A vessel engaged in the Bering Sea Korean hair crab fishery within
24 five miles of the shore may not be longer than 58 feet overall length.

25 (c) In this section, "overall length" means the straight line length between the
26 extremities of the vessel excluding anchor rollers.

27 * **Sec. 3.** AS 16.43 is amended by adding new sections to read:

28 ARTICLE 6A. VESSEL PERMITS FOR THE HIGH SEA BERING
29 SEA KOREAN HAIR CRAB FISHERY.

30 Sec. 16.43.901. VESSEL PERMITS. (a) The commission shall issue annual
31 vessel permits for commercial fishing vessels used in the Bering Sea Korean hair crab

1 fishery that occurs beyond five miles from shore. The commission shall issue vessel
2 permits to the vessel upon application by the vessel owner. The commission may
3 establish administrative areas for the Bering Sea Korean hair crab fishery that occurs
4 beyond five miles from shore and issue separate vessel permits for each administrative
5 area.

6 (b) A vessel permit is a use privilege authorizing the vessel to take Bering Sea
7 Korean hair crab beyond five miles from shore in the administrative area for which the
8 vessel permit is issued. The use privilege conveyed by a vessel permit may be
9 modified or revoked by the legislature without compensation.

10 (c) After July 1, 1996, a commercial fishing vessel may not be used to take
11 Korean hair crab in the Bering Sea beyond five miles from shore unless a vessel
12 permit has been issued under this section for the vessel.

13 (d) After July 1, 1996, and through June 30, 2000, the commission may not
14 issue a vessel permit under this section to a commercial fishing vessel, unless the
15 vessel either had legally participated in a directed Korean hair crab fishery in the
16 Bering Sea and landed Korean hair crab in at least one calendar year during 1993
17 through 1995, inclusive, or was acquired between 1993 and 1995, inclusive, as a
18 replacement for a vessel that would be eligible to receive a vessel permit but is no
19 longer used in the fishery. Use of a vessel in the Bering Sea Korean hair crab fishery
20 after July 1, 1996, may not be used to establish eligibility for a vessel permit for the
21 Bering Sea Korean hair crab fishery that occurs beyond five miles from shore that may
22 be issued after June 30, 2000. This subsection may be superseded by regulations
23 adopted by the commission under subsequent legislation enacted by the legislature
24 authorizing

25 (1) a permanent vessel permit limited entry system; or
26 (2) termination of the temporary moratorium on issuance of new vessel
27 permits established by this subsection.

28 (e) An application for a vessel permit under this section must contain the
29 names of the interim-use permit holders authorized to operate the vessel in the Bering
30 Sea Korean hair crab fishery that occurs beyond five miles from shore and other
31 information the commission may require to implement this section. The owner of a

1 vessel for which a vessel permit is issued shall notify the commission in writing of a
2 change in the interim-use permit holders who are authorized to operate the vessel in
3 the Bering Sea Korean hair crab fishery that occurs beyond five miles from shore.

4 (f) If a commercial fishing vessel that qualifies for a vessel permit under this
5 section is sunk, destroyed, or damaged to the extent that the vessel is inoperable for
6 a Bering Sea Korean hair crab fishing season, the commission may, upon the request
7 of the owner of the vessel, reissue the vessel permit to another commercial fishing
8 vessel with an overall length that does not exceed the overall length of the vessel that
9 was sunk, destroyed, or damaged.

10 (g) The fee for the use privileges conveyed by the vessel permit is \$1,000.

11 (h) The commission may adopt regulations to implement AS 16.43.901 -
12 16.43.911.

13 Sec. 16.43.911. APPLICABILITY OF OTHER STATUTES. (a) In addition
14 to the penalties imposed under AS 16.43.960, the commission may also revoke,
15 suspend, or transfer all vessel permits for violations under AS 16.43.960(a).

16 (b) In addition to the penalties imposed under AS 16.43.970(a), upon a first
17 or second conviction under AS 16.43.970, the court may in its discretion order a
18 forfeiture of vessel permits, as well as a loss of eligibility for future issuance of vessel
19 permits, or order a suspension of fishing rights under vessel permits held or to be held
20 for a period of not more than three years. Upon a third conviction under
21 AS 16.43.970, all vessel permits held are forfeited, and the vessels for which the
22 permits are issued lose eligibility for future issuance of vessel permits for a period of
23 three years.

24 (c) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may
25 release to the owner of a vessel information on the vessel's history of harvests in the
26 Korean hair crab fishery that is necessary to apply for a vessel permit.

27 (d) AS 16.43.901 - 16.43.911 do not alter the requirement for an interim-use
28 permit or entry permit under AS 16.43.140 or a vessel license under AS 16.05.490 -
29 16.05.530.

30 (e) Nothing in AS 16.43.901 - 16.43.911 limits the powers of the Board of
31 Fisheries or the Alaska Department of Fish and Game.

1 * **Sec. 4.** The Department of Law shall prepare on behalf of and under the policy direction
2 of the Alaska Commercial Fisheries Entry Commission draft legislation establishing a vessel
3 permit limited entry program that may be used for fisheries in which the current limited entry
4 program under AS 16.43 will not effectively achieve the purposes of that chapter. The draft
5 legislation shall be submitted to the resource committees of the Alaska Senate and the Alaska
6 House of Representatives on or before the 10th legislative day of the First Session of the
7 Twenty-First Alaska State Legislature.

8 * **Sec. 5.** AS 16.43.901 and 16.43.911, added by sec. 3 of this Act, are repealed July 1,
9 2000.

10 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).