

SENATE CS FOR CS FOR HOUSE BILL NO. 117(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to electronic monitoring of fishing vessels using trawl gear in a finfish**
2 **fishery; relating to administrative areas for regulation of certain commercial set net**
3 **entry permits; and providing for an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE FINDINGS. The Alaska State Legislature finds that it is in the public
8 interest to establish a new administrative area on the east side of Cook Inlet.

9 * **Sec. 2.** AS 16.05.050(a) is amended to read:

10 (a) The commissioner has, but not by way of limitation, the following powers
11 and duties:

12 (1) through the appropriate state agency and under the provisions of
13 AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other
14 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real

1 or personal property when the acquisition is in the interest of furthering an objective or
2 purpose of the department and the state;

3 (2) under the provisions of AS 36.30, to design and construct
4 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish
5 and game resources of the state;

6 (3) to accept money from any person under conditions requiring the
7 use of the money for specific purposes in the furtherance of the protection,
8 rehabilitation, propagation, preservation, or investigation of the fish and game
9 resources of the state or in settlement of claims for damages to fish or game resources;

10 (4) to collect, classify, and disseminate statistics, data and information
11 that, in the commissioner's discretion, will tend to promote the purposes of this title
12 except AS 16.51 and AS 16.52;

13 (5) to take, capture, propagate, transport, buy, sell, or exchange fish or
14 game or eggs for propagating, scientific, public safety, or stocking purposes;

15 (6) under the provisions of AS 36.30, to provide public facilities where
16 necessary or proper to facilitate the taking of fish or game, and to enter into
17 cooperative agreements with any person to effect them;

18 (7) to exercise administrative, budgeting, and fiscal powers;

19 (8) under the provisions of AS 36.30, to construct, operate, supervise,
20 and maintain vessels used by the department;

21 (9) to authorize the holder of an interim-use permit under AS 16.43 to
22 engage on an experimental basis in commercial taking of a fishery resource with
23 vessel, gear, and techniques not presently qualifying for licensing under this chapter in
24 conformity with standards established by the Alaska Commercial Fisheries Entry
25 Commission;

26 (10) not later than January 31 of each year, to provide to the
27 commissioner of revenue the names of those fish and shellfish species that the
28 commissioner of fish and game designates as developing commercial fish species for
29 that calendar year; a fish or shellfish species is a developing commercial fish species
30 if, within a specified geographical region,

31 (A) the optimum yield from the harvest of the species has not

1 been reached;

2 (B) a substantial portion of the allowable harvest of the species
3 has been allocated to fishing vessels of a foreign nation; or

4 (C) a commercial harvest of the fish species has recently
5 developed;

6 (11) to initiate or conduct research necessary or advisable to carry out
7 the purposes of this title except AS 16.51 and AS 16.52;

8 (12) to enter into cooperative agreements with agencies of the federal
9 government, educational institutions, or other agencies or organizations, when in the
10 public interest, to carry out the purposes of this title except AS 16.51 and AS 16.52;

11 (13) to implement an on-board observer program authorized by the
12 Board of Fisheries under AS 16.05.251(a)(13); implementation

13 (A) must be as unintrusive to vessel operations as practicable;

14 and

15 (B) must make scheduling and scope of observers' activities as
16 predictable as practicable;

17 (14) to sell fish caught during commercial fisheries test fishing
18 operations;

19 (15) to establish and charge fees equal to the cost of services provided
20 by the department, including provision of public shooting ranges, broodstock and eggs
21 for private nonprofit hatcheries, department publications, and other direct services, and
22 reasonable fees for the use of state facilities managed by the department; fees
23 established under this paragraph for tours of hatchery facilities, commercial use of
24 sport fishing access sites, and for operation of state hatchery facilities by private
25 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

26 (16) to permit and regulate aquatic farming in the state in a manner
27 that ensures the protection of the state's fish and game resources and improves the
28 economy, health, and well-being of the citizens of the state;

29 (17) to operate state housing and facilities for employees, contractors,
30 and others in support of the department's responsibilities and to charge rent that is
31 consistent with applicable collective bargaining agreements, or, if no collective

1 bargaining agreement is applicable, competitive with market conditions; rent received
2 from tenants shall be deposited in the general fund;

3 (18) to petition the Alaska Commercial Fisheries Entry Commission,
4 unless the Board of Fisheries disapproves the petition under AS 16.05.251(g), to
5 establish a moratorium on new entrants into commercial fisheries

6 (A) that have experienced recent increases in fishing effort that
7 are beyond a low, sporadic level of effort;

8 (B) that have achieved a level of harvest that may be
9 approaching or exceeding the maximum sustainable level for the fishery; and

10 (C) for which there is insufficient biological and resource
11 management information necessary to promote the conservation and sustained
12 yield management of the fishery;

13 (19) to promote fishing, hunting, and trapping and preserve the
14 heritage of fishing, hunting, and trapping in the state;

15 **(20) to require a vessel registered under AS 16.05.475 to**
16 **participate in an electronic monitoring program for a state commercial finfish**
17 **trawl fishery; however, before implementing an electronic monitoring program**
18 **in a finfish trawl fishery, the commissioner shall determine in writing that**

19 **(A) vessels active in the fishery already have electronic**
20 **monitoring systems onboard because the vessels also participate in a**
21 **federal fishery managed under 50 C.F.R. Part 679 in the Bering Sea,**
22 **Aleutian Islands, or the Gulf of Alaska that requires electronic**
23 **monitoring;**

24 **(B) implementation of an electronic monitoring program in**
25 **the fishery will not require a vessel owner to purchase or install electronic**
26 **monitoring equipment beyond what is already required for the vessel to**
27 **participate in the federally managed fishery; and**

28 **(C) electronic monitoring**

29 **(i) is a practical tool for data gathering or**
30 **enforcement in that fishery;**

31 **(ii) will not unduly disrupt the fishery;**

1 (iii) can be conducted at a reasonable cost; and
 2 (iv) can be coordinated with electronic monitoring
 3 programs of the federal National Marine Fisheries Service and
 4 other state and federal agencies.

5 * **Sec. 3.** AS 16.05.050 is amended by adding a new subsection to read:

6 (c) The commissioner may not levy an assessment or other charge on
 7 participating commercial fishers to fund the costs of implementing or operating an
 8 electronic monitoring program in a fishery under (a)(20) of this section.

9 * **Sec. 4.** AS 16.43.200 is amended by adding new subsections to read:

10 (c) Notwithstanding (a) and (b) of this section, for the purposes of issuing
 11 entry permits and controlling entry into the commercial set net fishery on the east side
 12 of Cook Inlet, the commission shall establish the area administered on December 31,
 13 2024, identified by the Department of Fish and Game as of January 1, 2024, as
 14 statistical areas 244-21, 244-22, 244-31, 244-32, 244-41, and 244-42 of the Upper
 15 Subdistrict of the Cook Inlet Central District as a distinct administrative area separate
 16 from the Cook Inlet administrative area.

17 (d) An entry permit that entitled a person to set net commercially in the area
 18 that was administered on December 31, 2024, by the commission as the Cook Inlet
 19 administrative area does not entitle that person to set net commercially in the
 20 administrative area established under (c) of this section unless the commission
 21 reassigns the permit to that administrative area.

22 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 TRANSITION: REGULATIONS. The Department of Fish and Game may adopt
 25 regulations necessary to implement the changes made by secs. 2 and 3 of this Act. The
 26 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
 27 effective date of the law implemented by the regulation.

28 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 TRANSITION: REASSIGNMENT OF CERTAIN COOK INLET AREA SET NET
 31 ENTRY PERMITS. (a) On January 1, 2027, an individual holding an entry permit that entitles

1 the individual to commercially set net in the Cook Inlet administrative area may have the
2 individual's entry permit renewed as an entry permit for the Cook Inlet set net administrative
3 area under AS 16.43.150(c), consistent with the boundaries of that administrative area
4 established under AS 16.43.200, as amended by sec. 4 of this Act, unless the individual
5 provides proof satisfactory to the Alaska Commercial Fisheries Entry Commission of the
6 individual's participation or, if the individual acquired the individual's entry permit from an
7 immediate family member, of the immediate family member's participation in the fishery in
8 the areas identified by the Department of Fish and Game as of January 1, 2024, as statistical
9 areas 244-21, 244-22, 244-31, 244-32, 244-41, and 244-42 of the Upper Subdistrict of the
10 Cook Inlet Central District within the five years preceding December 31, 2024. Proof
11 satisfactory of participation under this subsection may include a shore fisheries lease, an area
12 registration, a buoy tag, or previous submission of fishing statistics for the area.

13 (b) An individual who provides proof satisfactory to the Alaska Commercial Fisheries
14 Entry Commission of the individual's participation in the fishery in the areas identified by the
15 Department of Fish and Game as of January 1, 2024, as statistical areas 244-21, 244-22, 244-
16 31, 244-32, 244-41, and 244-42 of the Upper Subdistrict of the Cook Inlet Central District
17 under (a) of this section shall be reassigned an entry permit on January 1, 2027, for the new
18 administrative area established under AS 16.43.200(c), enacted by sec. 4 of this Act.

19 (c) In this section, "immediate family member" means

20 (1) the spouse of an individual;

21 (2) another individual cohabiting with an individual in a conjugal relationship
22 that is not a legal marriage;

23 (3) a child, including a stepchild or an adopted child, of an individual;

24 (4) a parent, sibling, grandparent, aunt, or uncle of an individual; and

25 (5) a parent or sibling of an individual's spouse.

26 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 **TRANSITION: APPEAL OF COMMISSION DECISION NOT TO ASSIGN AN**
29 **APPLICANT'S PERMIT TO NEW ADMINISTRATIVE AREA.** (a) An individual may
30 appeal a decision by the Alaska Commercial Fisheries Entry Commission to renew the entry
31 permit held by the individual that allows the individual to commercially fish in the Cook Inlet

1 administrative area, as the area's boundaries are amended by AS 16.43.200(c), enacted by sec.
2 4 of this Act, instead of issuing the individual an entry permit for the administrative area
3 established by AS 16.43.200(c), enacted by sec. 4 of this Act. An appeal under this section
4 must be made to the superior court on or before March 1, 2027.

5 (b) The commission shall provide an individual who is appealing a decision of the
6 commission under this section a provisional entry permit for the administrative area
7 established by AS 16.43.200(c), enacted by sec. 4 of this Act.

8 * **Sec. 8.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

9 * **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect January 1, 2027.