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SS Senate Bill 211

The Alaska Master Fisherman Retirement Transfer Act

Sectional – Version D

March 7, 2018

Section 1: Establishes the Short Title of the Act as “The Alaska Master Fisher Retirement Transfer Act (AMFRT).”

NOTE: Section 25 is the substantive component of this bill. Hereafter, Sections 2-24, and Sections 26-31 are all conforming amendments, bringing the AMFRT program into alignment with applicable existing Limited Permit Entry statutes.

Section 2: Allows the Board of Fisheries to require a fisherman participating in the AMFRT program to be physically present at the fishing site.

Section 3: Requires a fisherman participating in the AMFRT program to hold a commercial fishing license during their portion of the transfer process when they are actually fishing under the permit, as well as requiring a crew member license when an AMFRT participant is on the vessel, but not directly fishing under the permit.

Section 4: Exempts resident participants of the AMFRT program from having to pay a fee for an annual crew member fishing license.

Section 5: Exempts nonresident participants of the AMFRT program from having to pay a fee for their annual crew member fishing license.

Section 6: Exempts participants of the AMFRT program from being eligible for a seven-day crewmember fishing license.

- Section 7: Includes in the definition of “commercial fishing license” the entry permit being temporarily transferred through the AMFRT program.
- Section 8: Allows participants in the AMFRT to deliver or land fish provided they meet the permitting requirements consistent with existing commercial fishing laws and regulations.
- Section 9: Provides for participants in the AMFRT program to be able to employ crew for purposes of commercial fishing activities, and to transport and sell fish caught commercially.
- Section 10: Includes criminal penalties for participants of the AMFRT program if they are convicted for failure to be present, on board during commercial fishing activity under their permit.
- Section 11: Includes the provision that a fish processor or commercial buyer may only purchase fish from permit holders, including participants of the AMFRT program.
- Section 12: Provides that participants of the AMFRT program must possess and present their permit identification when selling commercial fish caught under their permit.
- Section 13: Includes AMFRT program participants in common property fisheries and terminal harvest area takings.
- Section 14: Includes in the duties of the Alaska Commercial Fisheries Entry Commission (CFEC) the authority to approve temporary permit transfers for qualifying participants of the AMFRT program, and to adopt regulations to manage the program.
- Section 15: Specifies that a person may not operate gear in the commercial taking of fishery resources unless that person is a AMFRT program participant.
- Section 16: Specifies that a crewmember may assist with operation of gear for the commercial taking of fishery resources, provided an AMFRT program participant is physically present and also engaged in the operation of that gear.

- Section 17: Provides for AMRFT program participants to operate gear within a specified fishery.
- Section 18: Requires AMRFT program participants to be in possession of their permit at all times when operating the gear for which the permit was issued.
- Section 19: Prevents the permit activated under the AMRFT program from being used as an instrument of equity or financially encumbered in any way, or to be transferred or repossessed in any way beyond what is allowed within the program, as set forth by the program and related regulations.
- Section 20: Adds a new subsection establishing that a temporary permit holder under the AMRFT program has the same use privileges and rights in a fishery as is available to an individual holding a regular entry permit.
- Section 21: Provides CFEC authority to establish annual fees for the issuance and renewal of entry permits, including temporary permits issued under the AMFRT program.
- Section 22: Establishes that temporary permits issued under the AMFRT program may only be transferred through the CFEC as provided by law and by regulations established by the CFEC.
- Section 23: Disallows the transfer of temporary permits issued under the AMFRT program except as specifically provided by law or regulation.
- Section 24: Provides exceptions, established by regulation, for the transfer of temporary permits issued under the AMFRT program, to include emergency transfer of the permit in the event of such things as medical illness, death, military or governmental duties, or other extenuating circumstances resulting in an unavoidable hardship and preclusion from being able to participate in the fishery.

Section 25: Adds a new subsection establishing the Alaska Master Fisherman Retirement Transfer program, wherein an individual holding an entry permit (hereafter “master”) may annually temporarily transfer their permit to another individual (hereafter “journeyman”), and for that journeyman to operate in commercial fishing activities under the master’s permit given certain parameters as follows:

- a. The transfer may not be initiated during an open fishing season;
- b. The transfer process is limited to a period of no more than three consecutive years;
- c. The transfer process must include a written binding contract between both parties filed with the CFEC;
- d. Provides for the Master to be present on the vessel during commercial fishing activity for 50% of the fishing season;
- e. The journeyman must use the master’s vessel for the fishing season;
- f. Have both the names of the master and the journeyman on the permit;
- g. The journeyman qualifies to participate in the AMFRT program if the journeyman:
 - i. Applies to the CFEC on a form approved by the AK Dept. of Fish & Game;
 - ii. The journeyman demonstrates having been employed by and be a crewmember for the master for a minimum of one year prior to initiating the transfer process;
 - iii. Meets marine and navigational safety standards appropriate for the fishery and sophistication of the vessel being operated, including demonstrated knowledge of the fishery and of protecting the state’s fisheries and marine environment; and
 - iv. Paid a required fee.

The CFEC is charged with adopting regulations specifying the forms, dates of application, and procedures to be followed in applying for and renewing a temporary permit transfer under the AMFRT program. These regulations will also include reporting requirements for both master and journeyman.

Section 26: As regards the existing point system for frequent violators of the Entry Permit salmon fishery laws, this section includes the AMFRT program permittee in that point system for respective violations.

Section 27: Extends the requirement of the CFEC to provide notice of violations and point-docking for AMFRT permit holders committing violations to salmon fisheries laws, consistent with existing notice requirements for standard permit holders making same violations.

Section 28: Extends the assessment of points against a standard permit holder, to also include a permit holder under the AMFRT program, that such assessment shall be in addition to, and not a substitution for, other penalties that may be imposed by a court.

- Section 29: Adds a new subsection to clarify that the master shall be given notice of any points assessed against a journeyman participating under a AMFRT transfer agreement.
- Section 30: Specifies that if a master's or journeyman's salmon fishery permit is suspended for any reason, the CFEC shall not issue another permit for either of them in that fishery during the suspension period, nor may they engage in any manner of commercial salmon fishing activity during that suspension time period.
- Section 31: Extends CFEC authority to revoke the AMFRT permit in the event that false or misleading information was used to obtain it.
- Section 32: Establishes an effective date of January 1, 2019.