



# LAWS OF ALASKA

1979

**Source**

SCS CSHB 290 (Rules)

**Chapter No.**

64

**AN ACT**

Relating to limited entry; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

Approved by the Governor: May 18, 1979  
Actual Effective Date: May 19, 1979

AN ACT

Relating to limited entry; and providing for an effective date.

\* Section 1. AS 16.43.250 is amended by adding a new subsection to read:

(d) If an individual has applied for two or more entry permits under AS 16.43.260(d) for the same specific fishery resource and the same specific type of gear, but has failed to qualify for an entry permit for that type of fishery resource and gear, the individual may credit his cumulative qualifications to the fishery for which he is most qualified. The commission shall issue an entry permit to the individual for the fishery if the individual's cumulative qualifications result in placing the individual in a category designated in (b) of this section. The qualifications credited to a fishery under this subsection may not be considered for the purpose of ranking the applicant under (a) - (c) of this section for any other fishery. The commission may not revoke any permit previously issued notwithstanding the issuance of permits in excess of the maximum number established under AS 16.43.230 - 16.43.240 as a result of this subsection.

\* Sec. 2. AS 16.43 is amended by adding new sections to read:

ARTICLE 5A. SPECIAL HARVEST AREA ENTRY PERMITS.

Sec. 16.43.335. SPECIAL HARVEST AREA ENTRY PERMITS. (a) In addition to entry permits, interim-use permits, and educational permits, the commission may issue special harvest area entry permits to holders of private, nonprofit hatchery permits issued by the Department of Fish

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1 and Game under AS 16.10.400 - 16.10.475.

2 (b) The commission may issue special harvest area entry permits  
3 notwithstanding the establishment of maximum or optimum numbers under  
4 AS 16.43.240 and 16.43.290.

5 Sec. 16.43.337. TERMS AND CONDITIONS OF SPECIAL HARVEST AREA ENTRY  
6 PERMITS. (a) Special harvest area entry permits may be applied for on  
7 an annual basis and shall be issued for a term of one year. A permit is  
8 nontransferable.

9 (b) A special harvest area entry permit may only be issued for the  
10 applicable area designated by the Department of Fish and Game as a  
11 special harvest area.

12 (c) The annual fee for a special harvest area entry permit shall  
13 be specified by commission regulation under the authority of AS 16.43.-  
14 160.

15 Sec. 16.43.339. DISPOSITION OF FISH. Fish caught under the autho-  
16 rity of a special harvest area entry permit are the property of the  
17 permit holder. The permit holder may sell the fish if the proceeds are  
18 used in the manner described in AS 16.10.450.

19 Sec. 16.43.341. AUTHORIZED GEAR. For the purposes of harvesting  
20 salmon, a special harvest area entry permit holder may employ any fish-  
21 ing gear designated as legal gear in the applicable special harvest area  
22 by the Board of Fisheries.

23 Sec. 16.43.343. ADOPTION OF REGULATIONS. (a) Use privileges  
24 granted under AS 16.43.335 - 16.43.341 are subject to the regulations of  
25 the Board of Fisheries.

26 (b) The commission, after consultation with the Department of Fish  
27 and Game, shall adopt regulations which are reasonably necessary to  
28 implement AS 16.43.335 - 16.43.341.

29 \* Sec. 3. The Alaska Commercial Fisheries Entry Commission shall allow

each person who has participated in the operation of gear in the commercial fishery of the upper Yukon River to register his name with the commission, regardless of whether that person has held a gear license or a fishwheel registration. The registration allowed by this section is for the purpose of determining the extent of past participation in the fishery and the adequacy of the existing limited entry program to meet the needs of the commercial fishermen in that area. The commission shall establish the registration period and the form of registration. The commission may require a registrant to state the facts in support of his past participation in gear operation. The commission shall prepare a roll of the registrants and submit the roll and any other material related to the purpose of the registration to the legislature not later than 10 days after the convening of the Second Session of the Eleventh Legislature.

\* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-070(c).