

SENATE BILL NO. 297

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR TAYLOR

Introduced: 2/12/96

Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to leases of fishing rights for the sea urchin fishery."

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

3 * **Section 1.** AS 16.05.050 is amended by adding a new paragraph to read:

4 (20) to identify and delineate sea urchin harvest areas capable of
5 supporting a viable sea urchin fishery; establish harvest quotas for each sea urchin
6 harvest area; and lease fishing rights to take sea urchin in sea urchin harvest areas.

7 * **Sec. 2.** AS 16.10 is amended by adding new sections to read:

8 **ARTICLE 10A. SEA URCHIN FISHERY.**

9 **Sec. 16.10.601. SEA URCHIN HARVEST AREA LEASES.** (a) In order to
10 facilitate the conservation and management of the sea urchin resource in an orderly and
11 efficient manner, the department may lease fishing rights to commercially take sea
12 urchin.

13 (b) The department shall establish the number of leases to be issued for each
14 sea urchin harvest area based upon a reasonable balance of the following general
15 standards:

1 (1) the number of leases sufficient to maintain an economically healthy
2 fishery that will result in a reasonable average rate of economic return to the lessee;

3 (2) the number of leases necessary to harvest the allowable commercial
4 take of the sea urchin resource during all years in an orderly, efficient manner, and
5 consistent with sound fishery management techniques.

6 (c) The department shall issue each lease authorized by the department under
7 (b) of this section to the person, as defined in AS 01.10.060, who the department
8 determines is the applicant best able to conserve the resource, operate a viable sea
9 urchin fishery enterprise, compensate the state for the management, research, and
10 administrative expenses incurred by the department, provide the greatest long-term
11 economic benefit to the state, and pay the largest royalty fee in excess of the amount
12 necessary to compensate the state for the cost of management, research, and
13 administration for the fishery. The department shall make its determination based
14 upon the proposals submitted by applicants for the lease and other information the
15 department may determine relevant. Upon acceptance of a proposal by the department
16 and the issuance of the lease, the applicant's plan of operation, monitoring and
17 enforcement plan, and agreement to pay the agreed upon royalty fee are binding upon
18 the successful applicant.

19 (d) A proposal to lease fishing rights for a sea urchin harvest area fishery must
20 contain

21 (1) a description of the experience of the applicant in commercial sea
22 urchin fisheries;

23 (2) a description of the experience of the applicant in commercial
24 fisheries in the state;

25 (3) a description of the short and long-term benefits to be received by
26 the state and affected communities under the proposal, including employment for
27 residents, training programs for residents, and development of a viable sea urchin
28 fishery in the state;

29 (4) a proposed plan of operation and a proposed monitoring and
30 enforcement plan;

31 (5) evidence of the financial capacity of the applicant to

1 (A) fulfill commitments made in the proposed plan of operation
2 and the proposed monitoring and enforcement plan;

3 (B) pay the fees established by the department under
4 AS 16.10.630; and

5 (C) pay the royalty fee offered by the applicant in the
6 applicant's proposal; and

7 (6) other information required by the department.

8 (e) A lease issued under this section is valid for a maximum of three years.
9 The lease may be revoked by the department for nonuse, for failure to comply with
10 the plan of operation or the monitoring and enforcement plan, for failure to pay fees
11 required under AS 16.10.601 - 16.10.649, or for failure to comply with AS 16.10.601 -
12 16.10.649 or regulations adopted under AS 16.10.601 - 16.10.649.

13 (f) A person may hold successive leases for a sea urchin harvest area if the
14 person applies for each lease under (c) of this section and is selected by the department
15 as the best qualified applicant.

16 (g) Procedures for soliciting and evaluating applications for a lease of fishing
17 rights, issuance of leases, and related actions are governed by regulations adopted by
18 the department under AS 36.30.015.

19 Sec. 16.10.611. SEA URCHIN FISHING. (a) A person who receives a lease
20 under AS 16.10.601 - 16.10.649 may commercially harvest sea urchins in the harvest
21 area for which the lease was issued.

22 (b) A person may not engage in the commercial taking of sea urchins in a sea
23 urchin harvest area unless the person holds a lease of fishing rights to take sea urchin
24 in the harvest area or the person is employed by the holder of the lease for the harvest
25 area and holds a commercial fishing license issued under AS 16.05.480.

26 Sec. 16.10.621. TRANSFER OF LEASE. A lease of fishing rights to take sea
27 urchin may not be

28 (1) pledged, mortgaged, leased, or encumbered in any way;

29 (2) assigned or otherwise transferred; or

30 (3) attached, distrained, or sold on execution of judgment or under any
31 other process or order of any court.

