

SENATE CS FOR CS FOR HOUSE BILL NO. 107(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/24/95
Referred: Finance

Sponsor(s): REPRESENTATIVE GRUSSENDORF

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to commercial fisheries limited entry permits."**

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

3 * **Section 1. FINDINGS.** The legislature finds that

4 (1) limited entry is an important state management tool to promote
5 conservation and sustained yield management of fisheries resources of the state and to
6 preserve and sustain the benefits of fisheries development for Alaska;

7 (2) there is a need for effective access restrictions; however, in some fisheries
8 access restrictions alone do not adequately control post-limitation increases in fishing capacity
9 and effort;

10 (3) restricting the fishing capacity associated with entry permits for a particular
11 fishery would make a portion of the entry permits for that fishery more affordable for entry
12 level fishermen;

13 (4) this Act allows the Alaska Commercial Fisheries Entry Commission to
14 "grandfather" participants into newly limited fisheries at levels of fishing capacity that reflect
15 each participant's historic level of participation before limitation; and

1 (5) this Act does not alter or limit the powers of the Board of Fisheries to
2 impose additional restrictions on fishing capacity.

3 * **Sec. 2.** AS 16.43.140(c) is amended to read:

4 (c) A person may hold more than one interim-use or entry permit issued or
5 transferred under this chapter only for the following purposes:

6 (1) fishing more than one type of gear;

7 (2) fishing in more than one administrative area;

8 (3) harvesting particular species for which separate interim-use or entry
9 permits are issued;

10 **(4) if authorized by regulations of the commission, fishing an entire**
11 **unit of gear in a fishery in which the commission has issued entry permits for less**
12 **than a unit of gear under AS 16.43.270(d); under this paragraph, a person may**
13 **hold two or more entry permits for a fishery, however, the person may not**

14 **(A) fish more than one unit of gear in the fishery; or**

15 **(B) acquire an additional entry permit for the fishery after**
16 **the person has acquired entry permits that cumulatively authorize the use**
17 **of one or more units of gear in the fishery.**

18 * **Sec. 3.** AS 16.43.150(a) is amended to read:

19 (a) **Except as may be otherwise provided under AS 16.43.270(d), an**
20 [EACH] entry permit authorizes the permittee to operate a unit of gear within a
21 specified fishery.

22 * **Sec. 4.** AS 16.43.270 is amended by adding a new subsection to read:

23 (d) The commission may restrict the fishing capacity employed under an entry
24 permit if, before the initial issuance of entry permits for a fishery, the commission
25 determines that the fishing capacity in the fishery must be limited to achieve the
26 purposes of this chapter, establishes criteria for determining the fishing capacity that
27 is allowed under an entry permit, and establishes how fishing capacity will be
28 measured. The maximum fishing capacity allowed under an entry permit must be
29 based upon past participation in the fishery by the initial recipient of the entry permit
30 during a period, specified by the commission, preceding the qualification date
31 established under AS 16.43.260. The commission may define fishing capacity in terms

1 of quantity of fishing gear, a proportion of the maximum amount of gear that can be
2 utilized in the fishery under regulations of the Board of Fisheries, fishing vessel size
3 or other characteristics, or other factors determined by the commission to affect the
4 amount of fishing effort in the fishery. The recipient or transferee of an entry permit
5 issued subject to this subsection may not exceed the fishing capacity allowed under the
6 entry permit.

7 * **Sec. 5.** AS 16.43.990(9) is amended to read:

8 (9) "unit of gear" means the maximum amount of a specific type of
9 gear **that** [WHICH] can be fished **by a person** under [A SINGLE GEAR LICENSE
10 SUBJECT TO] regulations established by the Board of Fisheries defining the legal
11 requirements for that type of gear.