

**HOUSE BILL NO. 538**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Introduced: 3/6/96

Referred: House Special Committee on Fisheries

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the establishment of a moratorium for vessels participating  
2 in the Bering Sea Korean hair crab fishery; relating to a vessel permit limited  
3 entry system; and providing for an effective date."

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

5 \* **Section 1.** LEGISLATIVE FINDINGS. The legislature finds that

6 (1) fishing effort in the Bering Sea Korean hair crab fishery has reached levels  
7 that may threaten the economic welfare of the fishery, the overall efficiency of the fishery,  
8 and the sustained yield management of the Bering Sea Korean hair crab resource;

9 (2) the conventional limited entry system under AS 16.43 will not adequately  
10 protect the economic health and stability of the fishery or promote the sustained yield  
11 management of the Bering Sea Korean hair crab fishery resource;

12 (3) establishment of a vessel permit system for the Bering Sea Korean hair  
13 crab fishery that is designed to maintain current levels of fishing capacity in the fishery  
14 promotes the purposes of article VIII, sec. 15, Constitution of the State of Alaska, and of

1 AS 16.43;

2 (4) establishment of a moratorium on the issuance of vessel permits to new  
3 vessels seeking to enter the Bering Sea Korean hair crab fishery promotes the purposes of  
4 article VIII, sec. 15, Constitution of the State of Alaska, and of AS 16.43 while providing an  
5 opportunity to study and evaluate the feasibility of a permanent vessel permit limited entry  
6 system for the Bering Sea Korean hair crab fishery and other fisheries.

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

8 ARTICLE 6A. VESSEL PERMITS FOR BERING SEA KOREAN  
9 HAIR CRAB FISHERY.

10 Sec. 16.43.901. VESSEL PERMITS. (a) The commission shall issue annual  
11 vessel permits for commercial fishing vessels used in the Bering Sea Korean hair crab  
12 fishery. The commission shall issue vessel permits to the vessel upon application by  
13 the vessel owner. The commission may establish administrative areas for the Bering  
14 Sea Korean hair crab fishery and issue separate vessel permits for each administrative  
15 area.

16 (b) A vessel permit is a use privilege authorizing the vessel to take Korean  
17 hair crab in the administrative area for which the vessel permit is issued. The use  
18 privilege conveyed by a vessel permit may be modified or revoked by the legislature  
19 without compensation.

20 (c) After July 1, 1996, a commercial fishing vessel may not be used to take  
21 Korean hair crab in the Bering Sea unless a vessel permit has been issued under this  
22 section for the vessel.

23 (d) After July 1, 1996, and through June 30, 2000, the commission may not  
24 issue a vessel permit to a commercial fishing vessel, unless the vessel either had  
25 legally participated in a Bering Sea Korean hair crab fishery and landed Korean hair  
26 crab in at least one calendar year during 1993 through 1995, inclusive, or was acquired  
27 between 1993 and 1995, inclusive, as a replacement for a vessel that would be eligible  
28 to receive a vessel permit but is no longer used in the fishery. Use of a vessel in the  
29 Bering Sea Korean hair crab fishery after July 1, 1996, may not be used to establish  
30 eligibility for a vessel permit for the Bering Sea Korean hair crab fishery that may be  
31 issued after June 30, 2000. This subsection may be superseded by regulations adopted

1 by the commission under subsequent legislation enacted by the legislature authorizing  
2 (1) a permanent vessel permit limited entry system; or  
3 (2) termination of the temporary moratorium on issuance of new vessel  
4 permits established by this subsection.

5 (e) An application for a vessel permit must contain the names of the interim-  
6 use permit holders authorized to operate the vessel in the Bering Sea Korean hair crab  
7 fishery and other information the commission may require to implement this section.  
8 The owner of a vessel for which a vessel permit is issued shall notify the commission  
9 in writing of a change in the interim-use permit holders who are authorized to operate  
10 the vessel in the Bering Sea Korean hair crab fishery.

11 (f) If a commercial fishing vessel that qualifies for a vessel permit under this  
12 section is sunk, destroyed, or damaged to the extent that the vessel is inoperable for  
13 a Bering Sea Korean hair crab fishing season, the commission may, upon the request  
14 of the owner of the vessel, reissue the vessel permit to another commercial fishing  
15 vessel with an overall length that does not exceed the overall length of the vessel that  
16 was sunk, destroyed, or damaged.

17 (g) The fee for the use privileges conveyed by the vessel permit is \$1,000.

18 (h) The commission may adopt regulations to implement AS 16.43.901 -  
19 16.43.911.

20 Sec. 16.43.911. APPLICABILITY OF OTHER STATUTES. (a) In addition  
21 to the penalties imposed under AS 16.43.960, the commission may also revoke,  
22 suspend, or transfer all vessel permits for violations under AS 16.43.960(a).

23 (b) In addition to the penalties imposed under AS 16.43.970(a), upon a first  
24 or second conviction under AS 16.43.970, the court may in its discretion order a  
25 forfeiture of vessel permits, as well as a loss of eligibility for future issuance of vessel  
26 permits, or order a suspension of fishing rights under vessel permits held or to be held  
27 for a period of not more than three years. Upon a third conviction under  
28 AS 16.43.970, all vessel permits held are forfeited, and the vessels for which the  
29 permits are issued lose eligibility for future issuance of vessel permits for a period of  
30 three years.

31 (c) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may

1 release to the owner of a vessel information on the vessel's history of harvests in the  
2 Korean hair crab fishery that is necessary to apply for a vessel permit.

3 (d) AS 16.43.901 - 16.43.911 do not alter the requirement for an interim-use  
4 permit or entry permit under AS 16.43.140 or a vessel license under AS 16.05.490 -  
5 16.05.530.

6 (e) Nothing in AS 16.43.901 - 16.43.911 limits the powers of the Board of  
7 Fisheries or the Alaska Department of Fish and Game.

8 \* **Sec. 3.** The Department of Law shall prepare on behalf of and under the policy direction  
9 of the Alaska Commercial Fisheries Entry Commission draft legislation establishing a vessel  
10 permit limited entry program that may be used for fisheries in which the current limited entry  
11 program under AS 16.43 will not effectively achieve the purposes of that chapter. The draft  
12 legislation shall be submitted to the resource committees of the Alaska Senate and the Alaska  
13 House of Representatives on or before the 10th legislative day of the First Session of the  
14 Twenty-First Alaska State Legislature.

15 \* **Sec. 4.** AS 16.43.901 and 16.43.911, added by sec. 2 of this Act, are repealed July 1,  
16 2000.

17 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).