

HOUSE BILL NO. 547

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Introduced: 3/25/96

Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a four-year moratorium on entry into Southeast Alaska dive**
2 **fisheries; and providing for an effective date."**

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

4 *** Section 1. LEGISLATIVE FINDINGS.** The legislature finds that

5 (1) limited entry is an important fishery management measure to promote
6 conservation and sustained yield management of fisheries resources of Alaska and to preserve
7 and sustain the benefits of fisheries development in Alaska;

8 (2) the Southeast Alaska dive fisheries for sea cucumber, abalone, and geoduck
9 may be approaching or exceeding the maximum sustainable harvest levels for these fishery
10 resources in the areas where the fisheries occur;

11 (3) the number of divers participating in the Southeast Alaska dive fisheries
12 was precariously high at the end of 1995;

13 (4) a moratorium on entry into the Southeast Alaska dive fisheries is necessary
14 to allow a proper review and analysis of the sea cucumber, abalone, geoduck, and sea urchin

1 fisheries before permanent damage is done to these fishery resources due to the accelerated
2 growth in participation in these fisheries;

3 (5) the Southeast Alaska dive fishery for sea urchin cannot be opened due to
4 the lack of research and management tools and concern that a large number of new divers
5 would be difficult to manage and may threaten the sustained yield management of the sea
6 urchin resource;

7 (6) information currently available is insufficient to conclude whether entry
8 limitation under AS 16.43 would serve the purposes of AS 16.43;

9 (7) a moratorium on entry into the Southeast Alaska dive fisheries is necessary
10 to provide an opportunity to investigate alternative means of fishing effort regulation that may
11 be more appropriate for these fisheries;

12 (8) the Southeast Alaska dive fisheries have reached a level of participation
13 that may threaten the conservation of the sea cucumber, abalone, geoduck, and sea urchin
14 resources and the economic health and stability of the sea cucumber, abalone, geoduck, and
15 sea urchin fisheries; and

16 (9) the Alaska Commercial Fisheries Entry Commission has insufficient
17 information to determine whether the establishment of a maximum number of entry permits
18 for the Southeast Alaska dive fisheries under AS 16.43.240 would further the purposes of
19 AS 16.43.

20 * **Sec. 2.** AS 16.43 is amended by adding a new section to read:

21 Sec. 16.43.228. SOUTHEAST ALASKA DIVE FISHERIES. (a) A person
22 may not take sea cucumber in the Southeast Alaska sea cucumber fishery without an
23 interim-use permit issued by the commission. The commission may not issue an
24 interim-use permit for the Southeast Alaska sea cucumber fishery unless the applicant
25 presents proof satisfactory to the commission that during calendar year 1994 or 1995
26 the applicant commercially harvested sea cucumber in the Southeast Alaska sea
27 cucumber fishery while holding an interim-use permit for the Southeast Alaska sea
28 cucumber fishery.

29 (b) A person may not take abalone in the Southeast Alaska abalone fishery
30 without an interim-use permit issued by the commission. The commission may not
31 issue an interim-use permit for the Southeast Alaska abalone fishery unless the

1 applicant presents proof satisfactory to the commission that during calendar year 1994
2 or 1995 the applicant commercially harvested abalone in the Southeast Alaska abalone
3 fishery while holding an interim-use permit for the Southeast Alaska abalone fishery.

4 (c) A person may not take geoduck in the Southeast Alaska geoduck fishery
5 without an interim-use permit issued by the commission. The commission may not
6 issue an interim-use permit for the Southeast Alaska geoduck fishery unless the
7 applicant presents proof satisfactory to the commission that between January 1, 1994,
8 and January 31, 1996, the applicant commercially harvested geoduck in the Southeast
9 Alaska geoduck fishery while holding an interim-use permit for the Southeast Alaska
10 geoduck fishery.

11 (d) A person may not take sea urchin in the Southeast Alaska sea urchin
12 fishery without an interim-use permit issued by the commission. The commission may
13 not issue an interim-use permit for the Southeast Alaska sea urchin fishery unless the
14 applicant presents proof satisfactory to the commission that

15 (1) during calendar year 1994 or 1995, the applicant commercially
16 harvested sea cucumber or abalone in the Southeast Alaska sea cucumber or abalone
17 fishery while holding the appropriate interim-use permit; or

18 (2) between January 1, 1994, and January 31, 1996, the applicant
19 commercially harvested geoduck in the Southeast Alaska geoduck fishery while
20 holding an interim-use permit for the Southeast Alaska geoduck fishery.

21 (e) During the four years that a moratorium established by this section is in
22 effect, the commission shall

23 (1) issue interim-use permits for each fishery subject to (a) - (d) of this
24 section to applicants who satisfy the appropriate qualifications established under (a) -
25 (d) of this section and who establish the present ability and intent to participate
26 actively in the fishery;

27 (2) conduct investigations to determine whether a maximum number
28 of entry permits should be established under AS 16.43.240 for each fishery subject to
29 this section by

30 (A) conducting research into conditions in the fishery;

31 (B) consulting with the Department of Fish and Game and the

1 Board of Fisheries; and
2 (C) consulting with participants in the fishery; and
3 (3) conduct investigations to determine whether an alternative form of
4 limited entry program is appropriate for a fishery subject to this section.

5 (f) Notwithstanding AS 16.43.225, for the purposes of this chapter,
6 (1) an interim-use permit issued under this section shall be treated as
7 an interim-use permit issued under AS 16.43.225;

8 (2) a moratorium established under this section shall be treated as a
9 moratorium established under AS 16.43.225.

10 (g) The commission may not consider participation in a fishery, subject to a
11 moratorium on entry under this section, that occurs during the period of the
12 moratorium in determining eligibility for an entry permit that may be issued for the
13 fishery after termination of the moratorium.

14 * **Sec. 3.** AS 16.43.260(f) is amended to read:

15 (f) When the commission establishes the maximum number of entry permits
16 under AS 16.43.240 for a fishery that is subject to a moratorium under AS 16.43.225,
17 an applicant for an entry permit for the fishery shall be assigned to a priority
18 classification based solely upon the applicant's qualifications as of the effective date
19 of the statute or regulation establishing the moratorium.

20 * **Sec. 4.** AS 16.43.228(a), 16.43.228(b), 16.43.228(c), and 16.43.228(d), added by sec. 2
21 of this Act, are repealed July 1, 2000.

22 * **Sec. 5.** This Act takes effect July 1, 1996.