

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR TAYLOR

Introduced: 3/29/96

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

7 (6) individuals who participated in the abalone, sea cucumber, and geoduck
8 fisheries in Southeast Alaska during 1994 and 1995, would have been likely to participate in
9 a sea urchin fishery during those years if a fishery had occurred;

10 (7) current economic dependence on a fishery is best demonstrated by recent
11 participation in, and economic reliance upon, a fishery;

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

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

17 (10) the Southeast Alaska dive fisheries have reached a level of participation
18 that may threaten the conservation of the sea cucumber, abalone, geoduck, and sea urchin
19 resources and the economic health and stability of the sea cucumber, abalone, geoduck, and
20 sea urchin fisheries; and

21 (11) the Alaska Commercial Fisheries Entry Commission has insufficient
22 information to determine whether the establishment of a maximum number of entry permits
23 for the Southeast Alaska dive fisheries under AS 16.43.240 would further the purposes of
24 AS 16.43.

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

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

1 cucumber fishery while holding an interim-use permit for the Southeast Alaska sea
2 cucumber fishery.

3 (b) A person may not take abalone in the Southeast Alaska abalone fishery
4 without an interim-use permit issued by the commission. The commission may not
5 issue an interim-use permit for the Southeast Alaska abalone fishery unless the
6 applicant presents proof satisfactory to the commission that during calendar year 1994
7 or 1995 the applicant commercially harvested abalone in the Southeast Alaska abalone
8 fishery while holding an interim-use permit for the Southeast Alaska abalone fishery.

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

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

20 (1) during calendar year 1992 or 1993, the applicant commercially
21 harvested sea urchin in the Southeast Alaska sea urchin fishery while holding the
22 appropriate interim-use permit;

23 (2) during calendar year 1994 or 1995, the applicant commercially
24 harvested sea cucumber or abalone in the Southeast Alaska sea cucumber or abalone
25 fishery while holding the appropriate interim-use permit; or

26 (3) between January 1, 1994, and January 31, 1996, the applicant
27 commercially harvested geoduck in the Southeast Alaska geoduck fishery while
28 holding an interim-use permit for the Southeast Alaska geoduck fishery.

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

31 (1) issue interim-use permits for each fishery subject to (a) - (d) of this

1 section to applicants who satisfy the appropriate qualifications established under (a) -
2 (d) of this section and who establish the present ability and intent to participate
3 actively in the fishery;

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

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

8 (B) consulting with the Department of Fish and Game and the
9 Board of Fisheries; and

10 (C) consulting with participants in the fishery; and

11 (3) conduct investigations to determine whether an alternative form of
12 limited entry program is appropriate for a fishery subject to this section.

13 (f) Notwithstanding AS 16.43.225, for the purposes of this chapter,

14 (1) an interim-use permit issued under this section shall be treated as
15 an interim-use permit issued under AS 16.43.225;

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

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

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

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

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

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