

HOUSE BILL NO. 141

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE AUSTERMAN

Introduced: 2/17/97

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a vessel permit moratorium for the Alaska weathervane**
2 **scallop fishery; relating to management of the scallop fisheries; and providing for**
3 **an effective date."**

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

5 * **Section 1.** LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that
6 (1) the scallop fishing fleet in Alaska is overcapitalized;
7 (2) fishing effort in the Alaska weathervane scallop fishery has reached levels
8 that may threaten the sustained yield management of the fishery;
9 (3) weathervane scallops are long-lived animals with few natural predators;
10 these attributes are common to species that are the most susceptible to overfishing;
11 (4) the status of many Alaska weathervane scallop stocks is largely unknown,
12 and the stocks are susceptible to localized depletion and general overfishing;
13 (5) scallop fisheries around the world have collapsed after relatively short
14 periods of intense fishing;

1 (6) scallop dredges may adversely affect important bottom-dwelling species,
2 such as king crab and Tanner crab, and without careful management may threaten the
3 conservation of these other fishery resources;

4 (7) the conventional limited entry and moratorium system under AS 16.43
5 cannot adequately protect the economic health and stability of the Alaska weathervane scallop
6 fishery or adequately promote the sustained yield management of the Alaska weathervane
7 scallop fishery;

8 (8) the United States Department of Commerce has taken action to restrict
9 access to the Alaska weathervane scallop fishery in the waters of the United States exclusive
10 economic zone adjacent to Alaska;

11 (9) state management of the entire Alaska weathervane scallop fishery will
12 provide a uniform and comprehensive management regime for the fishery, protect the
13 economic health and stability of the fishery, and promote sustained yield management of the
14 fishery;

15 (10) establishment of a moratorium on the issuance of vessel permits to new
16 vessels seeking to enter the Alaska weathervane scallop fishery promotes the purposes of art.
17 VIII, sec. 15, Constitution of the State of Alaska, and AS 16.43 while providing an
18 opportunity to study and evaluate the feasibility of a permanent vessel permit limited entry
19 system for the Alaska weathervane scallop fishery.

20 (b) It is the intent of the legislature that the Board of Fisheries maintain 100 percent
21 observer coverage for all vessels engaged in the Alaska weathervane scallop fishery.

22 * **Sec. 2.** AS 16.05 is amended by adding a new section to article 5 to read:

23 **Sec. 16.05.735. Management of offshore fisheries.** The state may assume
24 management of the scallop fisheries in offshore water adjacent to the state in the
25 absence of a federal fishing management plan for scallops or in the event that a federal
26 fishery management plan for scallops delegates authority to the state to manage scallop
27 fisheries in the United States exclusive economic zone.

28 * **Sec. 3.** AS 16.43 is amended by adding a new section to read:

29 **Sec. 16.43.906. Vessel permits for weathervane scallop fishery.** (a) The
30 commission shall issue annual vessel permits for commercial fishing vessels used in
31 the weathervane scallop fishery. The commission shall issue vessel permits to the

1 vessel upon application by the vessel owner. The commission shall issue separate
2 vessel permits for each registration area. The weathervane scallop fishery registration
3 areas are the statewide Alaska weathervane scallop fishery registration area and the
4 area H weathervane scallop fishery registration area.

5 (b) A vessel permit is a use privilege authorizing the vessel to take
6 weathervane scallops in the registration area for which the vessel permit is issued. The
7 use privilege conveyed by a vessel permit may be modified or revoked by the
8 legislature without compensation.

9 (c) On or after July 1, 1997, a commercial fishing vessel may not be used to
10 take weathervane scallops in a registration area unless a vessel permit for that
11 registration area has been issued under this section for the vessel.

12 (d) The commission may not issue a vessel permit under this section to a
13 commercial fishing vessel for the statewide Alaska weathervane scallop fishery
14 registration area for the period from July 1, 1997, through June 30, 2001, inclusive,
15 unless the vessel has landed in the state at least 1,000 pounds of weathervane scallops
16 that were legally taken in the statewide Alaska weathervane scallop fishery registration
17 area,

18 (1) during calendar year 1995 or 1996; and

19 (2) during each of at least four calendar years between 1984 and 1996,
20 inclusive.

21 (e) The commission may not issue a vessel permit under this section to a
22 commercial fishing vessel for the area H weathervane scallop fishery registration area
23 for the period from July 1, 1997, through June 30, 2001, inclusive, unless the vessel
24 has landed in the state at least 1,000 pounds of weathervane scallops that were legally
25 taken in the area H weathervane scallop fishery registration area during calendar year
26 1995 or 1996.

27 (f) Use of a vessel in a weathervane scallop fishery on or after July 1, 1997,
28 may not be used to establish eligibility for a vessel permit for a weathervane scallop
29 fishery that may be issued after June 30, 2001.

30 (g) Subsections (d) - (f) of this section may be superseded by regulations
31 adopted by the commission under subsequent legislation enacted by the legislature

1 authorizing

2 (1) a permanent vessel permit limited entry system for the weathervane
3 scallop fishery; or

4 (2) termination of the temporary moratorium on issuance of new vessel
5 permits established by this subsection.

6 (h) An application for a vessel permit under this section must contain the name
7 of each permit holder authorized to operate the vessel in the weathervane scallop
8 fishery and other information the commission may require to implement this section.
9 The owner of a vessel for which a vessel permit is issued shall notify the commission
10 in writing of a change in the permit holders who are authorized to operate the vessel
11 in the weathervane scallop fishery. In this subsection, "permit holder" means a person
12 who holds an entry permit or interim-use permit issued under this chapter for the
13 weathervane scallop fishery.

14 (i) If a commercial fishing vessel that qualifies for a vessel permit under this
15 section is sunk, destroyed, or damaged to the extent that the vessel is inoperable for
16 a weathervane scallop fishing season, the commission may, upon the request of the
17 owner of the vessel, reissue the vessel permit for that fishing season to another
18 commercial fishing vessel with an overall length and horsepower rating that does not
19 exceed the overall length and horsepower rating of the vessel that was sunk, destroyed,
20 or damaged.

21 (j) The fee for the annual vessel permit is \$1,000. A vessel permit is valid for
22 the 12-month period beginning on July 1 and ending on June 30, inclusive, that is
23 inscribed on the license.

24 (k) The commission may adopt regulations that the commission considers
25 necessary to implement this section.

26 (l) In this section,

27 (1) "area H weathervane scallop fishery registration area" means the
28 marine waters of Cook Inlet north of the latitude of Cape Douglas (58 degrees 52
29 minutes North latitude) and west of the longitude of Cape Fairfield (148 degrees 50
30 minutes West longitude);

31 (2) "landed" includes catching or catching and processing of

1 weathervane scallops taken in state waters or the adjacent United States exclusive
2 economic zone for sale as evidenced by a Department of Fish and Game fish ticket;

3 (3) "statewide Alaska weathervane scallop fishery registration area"
4 means the marine waters of Alaska, outside of the area H weathervane scallop fishery
5 registration area.

6 * **Sec. 4.** AS 16.43.911(c) is amended to read:

7 (c) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may
8 release to the owner of a vessel information on the vessel's history of harvests in a
9 [THE KOREAN HAIR CRAB] fishery that is necessary to apply for a vessel permit
10 under AS 16.43.901 - 16.43.906.

11 * **Sec. 5.** Section 5, ch. 126, SLA 1996, is amended to read:

12 Sec. 5. AS 16.43.901 [AND 16.43.911], added by sec. 3 of this Act, is [ARE]
13 repealed July 1, 2000.

14 * **Sec. 6.** AS 16.43.906, added by sec. 3 of this Act, and AS 16.43.911 are repealed July 1,
15 2001.

16 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).