

SENATE BILL NO. 196

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE BY REQUEST

Introduced: 5/7/97

Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a moratorium on entry into the directed demersal shelf
2 rockfish fishery in Southeast Alaska; relating to state management of fisheries in
3 offshore water adjacent to the state; 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) demersal shelf rockfish are subject to localized depletion and require
7 careful management because they are slow-growing, late-maturing fish that tend to remain in
8 a localized area and not to migrate;

9 (2) the directed demersal shelf rockfish fishery in Southeast Alaska has a high
10 socioeconomic importance to a fleet of small, local, shore-based longline fishing vessels;

11 (3) the directed demersal shelf rockfish fishery occurs only in the waters of
12 the State of Alaska and the United States exclusive economic zone in Southeast Alaska east
13 of 140 degrees West longitude;

14 (4) the federal Department of Commerce is currently considering a limited

1 entry system for all species of North Pacific groundfish, other than demersal shelf rockfish,
2 in the United States exclusive economic zone; if the federal groundfish limited entry system
3 is approved, the directed demersal shelf rockfish fishery will be the only open entry fishery
4 on species of groundfish in the United States exclusive economic zone off Alaska and will
5 attract additional participants to the directed demersal shelf rockfish fishery in state waters;

6 (5) establishment of limited entry into the demersal shelf rockfish fishery in
7 the United States exclusive economic zone would make the portion of the fishery in state
8 waters even more vulnerable to further expansion of fishing effort unless a comparable entry
9 limitation system is established for state waters;

10 (6) the Southeast Alaska directed demersal shelf rockfish fishery has already
11 reached a level of participation and fishing effort that may threaten the conservation of
12 demersal shelf rockfish resources, the economic health and stability of the fishery, and the
13 sustained yield management of the fishery;

14 (7) fishery managers have exhausted traditional fishery management tools in
15 the attempt to slow the directed harvest of demersal shelf rockfish and to maintain an orderly
16 fishery;

17 (8) the conventional limited entry system and moratorium process under
18 AS 16.43 cannot adequately protect the economic health and stability of the Southeast Alaska
19 directed demersal shelf rockfish fishery in the state or adequately promote the sustained yield
20 management of the Southeast Alaska directed demersal shelf rockfish fishery in the state; and

21 (9) establishment of a moratorium on the issuance of additional interim-use
22 permits for the Southeast Alaska directed demersal shelf rockfish fishery promotes the
23 purposes of art. VIII, sec. 15, Constitution of the State of Alaska, and AS 16.43 while
24 providing an opportunity to study and evaluate alternative limited entry systems, including the
25 feasibility of a uniform permanent limited entry system for demersal shelf rockfish in waters
26 of the State of Alaska and the United States exclusive economic zone.

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

28 **Sec. 16.05.735. Management of offshore fisheries.** In the absence of a
29 federal fishery management plan or in the event that a federal fishery management plan
30 delegates authority to manage the fishery in the United States exclusive economic
31 zone, the state may assume management of a fishery in offshore water adjacent to the

1 state.

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

3 **Sec. 16.43.229. Southeast Alaska directed demersal shelf rockfish fishery.**

4 (a) A person may not take demersal shelf rockfish in the Southeast Alaska directed
5 demersal shelf rockfish fishery without an interim-use permit issued by the
6 commission. The commission may not issue an interim-use permit for the Southeast
7 Alaska directed demersal shelf rockfish fishery unless the applicant presents proof
8 satisfactory to the commission that, at some time during January 1, 1995, through
9 March 14, 1995; November 16, 1995, through March 14, 1996; or November 16, 1996,
10 through March 14, 1997, the applicant commercially harvested demersal shelf rockfish
11 in Southeast Alaska in the directed demersal shelf rockfish fishery while holding a
12 Southeast Alaska demersal shelf rockfish interim-use permit. During the four years
13 that a moratorium established by this section is in effect, the commission shall

14 (1) issue interim-use permits for the directed demersal shelf rockfish
15 fishery to applicants who satisfy the qualifications established under this subsection
16 and who establish the present ability and intent to participate actively in the fishery;

17 (2) determine whether a maximum number of entry permits should be
18 established under AS 16.43.240 for the directed demersal shelf rockfish fishery by

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

20 (B) consulting with the Department of Fish and Game and the
21 Board of Fisheries; and

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

23 (3) in cooperation with the Department of Fish and Game and other
24 appropriate agencies, conduct investigations to determine whether an alternative form
25 of limited entry system or other management system to control participation or fishing
26 effort in the fishery is appropriate.

27 (b) Notwithstanding AS 16.43.225, for the purposes of this chapter,

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

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

1 (c) The commission may not consider participation in the Southeast Alaska
2 directed demersal shelf rockfish fishery that occurs during the period of a moratorium
3 established under this section in determining eligibility for an entry permit that may
4 be issued for the fishery after termination of the moratorium.

5 (d) In this section,

6 (1) "demersal shelf rockfish" means one or more of the species of
7 demersal shelf rockfish, as defined by the Board of Fisheries;

8 (2) "Southeast Alaska" means the waters east of 140 degrees West
9 longitude that are subject to the fishery management jurisdiction of the State of Alaska.

10 * **Sec. 4.** AS 16.43.229(a), added by sec. 3 of this Act, is repealed July 1, 2001.

11 * **Sec. 5.** This Act takes effect July 1, 1997.