

Introduced: 3/14/79
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE
BY REQUEST

2 SENATE BILL NO. 238

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limited entry for groundfish
7 trawling fisheries."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.43 is amended by adding new sections to read:

10 ARTICLE 7. GROUND FISH TRAWLING FISHERIES.

11 Sec. 16.43.400. ADMINISTRATIVE AREAS. (a) The following admin-
12 istrative areas are established for fisheries subject to the provisions
13 of AS 16.43.400 - 16.43.500:

- 14 (1) Southeastern Alaska;
- 15 (2) Gulf Coast;
- 16 (3) Prince William Sound;
- 17 (4) Kodiak;
- 18 (5) Alaska Peninsula (Pacific Ocean only);
- 19 (6) Shumagin Islands;
- 20 (7) Western Aleutians (Pacific Ocean only);
- 21 (8) Bering Sea.

22 (b) The commission shall establish the specific boundaries of the
23 administrative areas described in (a) of this section and may modify the
24 boundaries.

25 Sec. 16.43.410. VESSEL PERMITS. (a) The commission shall issue a
26 vessel permit to the owner of a vessel who applies and qualifies for the
27 permit under AS 16.43.400 - 16.43.500.

28 (b) Except as provided in (c) of this section and in AS 16.43.420,
29 after January 1, 1980, no vessel may be used to operate gear in an

1 administrative area described in AS 16.43.400(a)(1) - (7) for the com-
2 mercial taking of groundfish by trawl without a vessel permit issued
3 under this section. The vessel permit must be located on the vessel at
4 all times during the fishing operations.

5 (c) The use of vessels that are less than 50 feet long, official
6 Coast Guard register length, and less than 58 feet in overall length is
7 exempt from the requirements of this section.

8 Sec. 16.43.420. APPLICATIONS. (a) Notwithstanding the provisions
9 of AS 16.43.410(b), a vessel may be used one time to operate gear for
10 the commercial taking of groundfish by trawl in an administrative area
11 described in AS 16.43.400(a)(1) - (7) if

12 (1) within 10 days after using the vessel as described in (a)
13 of this section, the owner of the vessel applies to the commission for a
14 vessel permit for the vessel under AS 16.43.400 - 16.43.500;

15 (2) a previous application for a vessel permit for the vessel
16 under AS 16.43.400 - 16.43.500 for the administrative area has not been
17 rejected by the commission; and

18 (3) the commission has not yet stopped issuing vessel permits
19 for the administrative area under AS 16.43.440(b).

20 (b) Unless the commission has stopped issuing vessel permits for
21 the administrative area under AS 16.43.440(b), the commission shall
22 issue a vessel permit to the owner of a vessel who verifies to the
23 commission that he has made at least one landing of groundfish with the
24 vessel from the administrative area for which the application is sub-
25 mitted within the 10 days before the submission of the application.

26 Sec. 16.43.430. TONNAGE. (a) A vessel permit issued under
27 AS 16.43.400 - 16.43.500 shall specify the maximum allowable tonnage of
28 the vessel for which the permit is issued.

29 (b) For the purposes of this section and AS 16.43.440(a), the

1 commission shall define "tonnage" by regulation. The regulation
2 defining "tonnage" shall be based upon a determination of tonnage which,
3 in the opinion of the commission, best reflects harvesting capacity of a
4 vessel and may include other considerations the commission considers
5 appropriate.

6 (c) The commission may, by regulation, establish an upper limit
7 for vessel tonnage beyond which no vessel may be issued a permit under
8 AS 16.43.400 - 16.43.500.

9 Sec. 16.43.440. LIMITATION ON ISSUANCE OF VESSEL PERMITS. (a)
10 The commission shall determine the total minimum tonnage of all vessels
11 necessary to harvest the expected long-term optimum yield of the ground-
12 fish in each of the administrative areas described in AS 16.43.400-
13 (a)(1) - (7) during all years in an orderly, efficient manner consistent
14 with sound fishery management techniques. The total maximum allowable
15 tonnage of all vessels for which vessel permits may be issued under
16 AS 16.43.400 - 16.43.500 in an administrative area is the same as the
17 minimum tonnage determined under this subsection. The commission may
18 amend a determination made under this subsection at any time.

19 (b) When the commission determines that the vessel permits issued
20 for an administrative area provide for the maximum allowable tonnage of
21 vessels as determined under (a) of this section, the commission shall
22 immediately stop issuing vessel permits for the commercial taking of
23 groundfish by trawl in the administrative area. If the outstanding
24 vessel permits for the administrative area result in an excess over the
25 maximum allowable tonnage of vessels determined under (a) of this sec-
26 tion, the commission shall implement a buy-back program for the vessel
27 permits in accordance with the provisions of AS 16.43.320 until the
28 tonnage of vessels represented by the outstanding vessel permits equals
29 or is less than the maximum allowable tonnage of vessels determined

1 under (a) of this section.

2 (c) If, after stopping the issuance of vessel permits in an
3 administrative area in accordance (b) of this section, the commission
4 determines that the number of outstanding vessel permits for the admin-
5 istrative area provides for less than the maximum allowable tonnage of
6 vessels determined under (a) of this section, the commission shall issue
7 new vessel permits based upon the hardship requirements of AS 16.43.250
8 until the maximum allowable tonnage of vessels is reached.

9 Sec. 16.43.450. EFFECT OF VESSEL PERMIT. (a) A vessel permit
10 issued under AS 16.43.400 - 16.43.500 authorizes the taking of ground-
11 fish by trawl aboard a vessel equal to or less than the tonnage author-
12 ized by the permit in the specified administrative area for which the
13 vessel permit is issued. In addition, the vessel may be used for the
14 commercial taking of groundfish by trawl in the administrative area
15 described in AS 16.43.400(a)(8), except as provided in AS 16.43.480.

16 (b) Except as provided in (a) of this section, a vessel permit
17 issued under AS 16.43.400 - 16.43.500 does not authorize the use of a
18 vessel in more than one administrative area.

19 Sec. 16.43.460. RESTRICTION ON USE OF VESSEL. The use of a vessel
20 for the commercial taking of groundfish may not be authorized in more
21 than one administrative area described in AS 16.43.400(a)(1) - (7) at a
22 time.

23 Sec. 16.43.470. USE REQUIRED. (a) The commission shall revoke a
24 vessel permit issued under AS 16.43.400 - 16.43.500 if the owner of the
25 vessel for which the permit is issued does not verify to the commission
26 at least one landing per season of groundfish from the administrative
27 area for which the vessel permit was issued, except as provided in (b)
28 of this section.

29 (b) The commission may not revoke a vessel permit issued under

1 AS 16.43.400 - 16.43.500 under (a) of this section if the owner of the
2 vessel for which the permit was issued can establish any of the hardship
3 criteria established in AS 16.43.180 for emergency transfers of entry
4 permits.

5 Sec. 16.43.480. BERING SEA ADMINISTRATIVE AREA. (a) When the
6 maximum allowable tonnage for all vessels, as determined under AS 16.43.-
7 440(a), in each of the administrative areas described in AS 16.43.400-
8 (a)(1) - (7) has been reached

9 (1) the commission shall determine the tonnage of all vessels
10 actually taking groundfish by trawl on a commercial basis in the admin-
11 istrative area described in AS 16.43.400(a)(8);

12 (2) the commission shall determine the maximum allowable
13 tonnage of all vessels in the administrative area described in AS 16.43.-
14 400(a)(8) in accordance with the procedures established for the deter-
15 mination of maximum allowable tonnage under AS 16.43.440(a); and

16 (3) the provisions of AS 16.43.450(a) notwithstanding, a
17 person may not operate gear for the commercial taking of groundfish by
18 trawl in the administrative area described in AS 16.43.400(a)(8) except
19 aboard a vessel for which a vessel permit has been issued in accordance
20 with (b) of this section and except as provided in AS 16.43.420(a).

21 (b) If the commission determines under (a)(1) and (2) of this
22 section that the tonnage of all vessels actually taking groundfish in
23 the administrative area described in AS 16.43.400(a)(8) is equal to or
24 greater than the maximum allowable tonnage of all vessels in that area,
25 the commission shall issue vessel permits for the areas as provided in
26 AS 16.43.440(c). If the commission determines under (a)(1) and (2) of
27 this section that the tonnage of all vessels actually taking groundfish
28 in the administrative area described in AS 16.43.400(a)(8) is less than
29 the maximum allowable tonnage of all vessels in the area, the commission

1 shall issue vessel permits for the area as provided in AS 16.43.420(b).

2 (c) After the initial issuance of permits for the administrative
3 area described in AS 16.43.400(a)(8) in accordance with (b) of this
4 section, the permits are subject to the provisions of AS 16.43.400 -
5 16.43.500 in the same manner as permits issued for administrative areas
6 described in AS 16.43.400(a)(1) - (7).

7 Sec. 16.43.490. OWNER OF VESSEL. For the purposes of AS 16.43.-
8 400 -16.43.500, the owner of a vessel may include a corporation, com-
9 pany, partnership, firm, association, organization, business trust,
10 society, or natural person.

11 Sec. 16.43.500. OTHER PROVISIONS OF CHAPTER APPLICABLE. Except as
12 otherwise provided in AS 16.43.400 - 16.43.500, the provisions of
13 AS 16.43 are applicable to vessel permits issued under AS 16.43.400 -
14 16.43.500.
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